

Supporting Document 12

EXECUTIVE OFFICER SUMMARY REPORT
February 21, 2001

ITEM: 12

SUBJECT: Complaint No. 2000-256 for Administrative Civil Liability (ACL) against Chung Kwan and Hui Mei Hsu for failure to submit a corrective action plan for the Budget Trade & Gas facility, Escondido, San Diego County. (Sue Pease)

PURPOSE: The purpose of this item is to reopen the public hearing held on December 13, 2000, to receive additional testimony on ACL Complaint No. 2000-256.

DISCUSSION: Complaint No. 2000-256 recommends the imposition of an ACL of \$146,500 against Mr. and Mrs. Hsu for failure to submit a corrective action plan for remediation of groundwater pollution as required by California Water Code (CWC) section 13267. The period of the violation was February 10, 2000 through December 13, 2000. Staff's evidence in support of the ACL was accepted into the record at the December 13 hearing. The supporting documents accepted at that hearing are attached.

At the conclusion of the December hearing, the RWQCB deferred acting on the ACL complaint against Mr. & Mrs. Hsu until the February meeting. Mr. Hsu was given until the February meeting to accomplish the following tasks:

1. Submit a Corrective Action Plan; and
2. Submit a payment on the previously assessed ACL penalty of \$35,680.

A corrective action plan was received on January 30, 2000. The adequacy of the corrective action plan has not been assessed at this time. However, staff will review the plan prior to the Board meeting. As of February 7, 2001, a payment on the previous ACL penalty had not been received.

Another issue to consider in this matter is Mr. and Mrs. Hsu's compliance with Cleanup and Abatement Order (CAO) No. 2000-255, issued on November 7, 2000. The Hsus failed to submit a monthly free product removal report by January 1, 2001

as required by the CAO. However, the second monthly free product removal report was received by the due date of February 1, 2001. The Hsus submitted some documents to demonstrate the integrity of the underground tank system, but failed to submit the results of the tank and product lines pressure test, due January 1, 2001. Mr. Hsu submitted the first quarterly ground water monitoring report by the due date of January 30, 2001.

To overcome communication difficulties for Mr. Hsu and to ensure that Mr. Hsu understands the regulatory actions required of him, staff met with Mr. Hsu and his consultant on January 23, 2001 (Supporting Document 1). A second meeting will be held on February 14, 2001. Staff intends to hire a Mandarin Chinese translator to attend the February 14 staff meeting and the February 21 Board meeting. Any new developments in this case occurring between February 7-21, 2001, will be reported orally at the February Board meeting.

LEGAL CONCERNS:

None

SUPPORTING
DOCUMENTS

1. January 24, 2001 memo to file
2. ACL Order No. 2000-256 and other related documents.

RECOMMENDATION:

Staff recommends that the RWQCB adopt tentative ACL Order No. 2000-256.



California Regional Water Quality Control Board

San Diego Region

Supporting Document



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Environmental
Protection

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TO: File

FROM: Sue Pease, Environmental Specialist III
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: January 24, 2001

SUBJECT: MEETING WITH REPRESENTATIVES OF BUDGET TRADE & GAS FACILITY, 510 WEST 5TH AVENUE, ESCONDIDO, CA: ADMINISTRATIVE CIVIL LIABILITY (ACL) COMPLAINT NO. 2000-256 AND CLEANUP AND ABATEMENT ORDER (CAO) NO. 2000-255

Mr. Jimmy Hsu, owner and operator of Budget Trade and Gas, his consultant, Mr. Barry Pulver of Southern California Soil and Testing, Inc., and Regional Water Quality Control Board staff members, Sue Pease and Julie Chan, met at our office on January 23, 2001 to discuss the following:

- 1) Reiterate what the Board members requested Mr. Hsu accomplish by the February 21st Board meeting:
 - a) Corrective Action Plan (CAP) submitted by the end of January.
 - b) A payment made on the penalty assessed in ACL Order No. 2000-23.
- 2) Discuss due dates in Cleanup and Abatement Order No. 2000-255.
- 3) Set up regular meeting dates to help Mr. Hsu understand what is required of him.

Meeting discussion:

Item 1: Julie and I reviewed with Mr. Hsu that based on the outcome of the December Board meeting, he had two tasks to complete by the February Board meeting. The issue before the Board members at the December Board meeting was whether or not to adopt Tentative ACL No. 2000-256 for assessment of \$146,500 for failure to submit a CAP. The Board members "suspended" a vote until the February Board meeting, and requested Mr. Hsu to complete two tasks by that date.

Barry Pulver stated that the CAP would be submitted by the end of January, but it is based on an incomplete assessment of the extent of contamination from the site. The CAP will include five alternative treatment methods and a feasibility study. A workplan for delineation of contamination will be submitted at the same time. Submittal of the CAP will stop additional penalties from accruing.

California Environmental Protection Agency

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We discussed at length Mr. Hsu submitting a payment on ACL No. 2000-23. We encouraged him to make a payment on this ACL. We told him that this ACL is not negotiable, cannot be appealed at this time, and must be paid. We gave him a copy of the paperwork from the Attorney General on the filing for judgement on this ACL with the San Diego Superior Court. Even though the \$35,680 would be collected through the court at some time in the future, we recommended that Mr. Hsu make payments now to show a good faith effort to the Board members that he is attempting to comply with regulatory requirements. Mr. Hsu talked about his financial problems, which include a lawsuit with a neighboring property owner, his debts, and escalating SDG&E bills. We suggested that Mr. Hsu talk to his accountant and determine how much he can afford to pay on a monthly basis, and to bring paperwork describing his financial situation and ability to pay the fine. Mr. Hsu asked what would happen if he did not make any payments. We explained that the Board members had the option of adopting the second ACL and assessing him a penalty of \$146,500 if he did not make a good faith effort to make a payment on the first ACL. Mr. Hsu asked what would happen if he walked away from the property. We explained that he would still be responsible for cleaning up the contamination since he was the tank owner and operator when contamination was discovered. Mr. Hsu agreed to submit paperwork that would show his financial situation.

Julie asked Mr. Hsu if he had difficulty understanding what was happening at the Board meetings. Mr. Hsu said that he did have difficulty. Julie strongly suggested that he bring an interpreter that spoke Mandarin Chinese, Mr. Hsu's first language, to the Board meetings to ensure that he understands the proceedings and what is expected of him.

Item 2: I reviewed the due dates in CAO No. 2000-255:

January 1, 2001 – Proof of tank tightness

January 1, 2001 and the first of every month thereafter – Free product removal records (until no free product recovery is possible)

January 30, 2001 and quarterly thereafter – Ground water monitoring report

March 22, 2001 – Complete delineation of contamination

We discussed the delineation of contamination in depth. Mr. Hsu thought that once the contamination was off his site that he was no longer responsible for remediating it. We made it clear to him that it doesn't matter how big the plume is; if it originated from his site, he is responsible to remediate all of it. He told us that when he bought the property in 1981, there was contamination there. He installed a UST and ground water was pumped from the excavation into the storm drain. He was surprised that when he removed and replaced the UST's in 1989, that it was illegal to pump the ground water from the excavation to the storm drain. He also felt that the former owner should be responsible for the contamination. I explained to him that he would need documentation of the site conditions at that time in order for the former owner to be held responsible for site cleanup. He would need assistance from an attorney to do that, but, in the meantime, the State Board considers him the responsible party. We also pointed out that the State Cleanup Fund would likely reimburse him for cleanup expenses. Thus, finding another responsible party may not result in significant savings to Mr. Hsu. He doesn't understand the



evolution of environmental laws since 1981 and how they affect his business operation and his responsibilities.

Item 3: We suggested we meet again before the next Board meeting and the next meeting was set for Wednesday, February 14th, at 10:30 a.m. Mr. Hsu will bring in financial information at that time. We hope that frequent meetings will help him understand what his responsibilities are with the ACL and CAO, and that meetings will help solve the communication problems.

cc: John Robertus
Art Coe
Dave Barker
Julie Chan
John Richards
Jimmy Hsu
Barry Pulver



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

Staff Report

**Proposed Administrative Civil Liability
Contained in Complaint No. 2000-256
County of San Diego
Kwan Chung Hsu & Hui Mei Hsu
Budget Trade & Gas**

Failure to Submit A
Corrective Action Plan
As Required By
California Water Code Section 13267
For
Budget Trade & Gas
510 West 5th Avenue
Escondido, CA

December 13, 2000

by
Susan Pease

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APPENDICES

- A. ACL Complaint No. 2000-256 (8 pages with cover letter)
- B. June 9, 1999 CWC 13267 letter (4 pages)
- C. August 9, 2000 RWQCB letter (7 pages)
- D. September 12, 2000 RWQCB letter (3 pages)
- E. September 29 RWQCB letter (3 pages)
- F. May 17, 1999 DEH letter (16 pages with attachment)
- G. Diagrams of site location and site map with well locations, ground water gradient,
and free product extent (2 pages)

1. INTRODUCTION

On **November 21, 2000**, San Diego Regional Water Quality Control Board (RWQCB) Executive Officer, John H. Robertus, pursuant to California Water Code (CWC) § 13323 issued Administrative Civil Liability (ACL) Complaint No. 2000-256 to Chung Kwan Hsu and Hui Mei Hsu (hereinafter Mr. & Mrs. Hsu), via certified mail (*Appendix A, ACL Complaint No. 2000-256*). The complaint addressed Mr. & Mrs. Hsu's failure to submit a technical report, which constituted a violation of law, and proposed a civil liability of **\$146,500** based on assessment of the factors addressed in this staff report (see Section 4.1 for factors to be considered in determining the amount of administrative civil liability). Furthermore, the complaint noticed Mr. & Mrs. Hsu that a hearing on this matter would occur before the RWQCB on **December 13, 2000** and that Mr. & Mrs. Hsu may waive their right to a hearing.

2. BACKGROUND

Budget Trade & Gas is a retail gas station/mini-mart owned and operated by Mr. & Mrs. Hsu, located at 510 West Fifth Avenue in Escondido California. The site is currently in active use.

On **October 30, 1989**, the San Diego County Department of Environmental Health (DEH) notified this RWQCB that an unauthorized release of petroleum hydrocarbons from the underground storage tank system at Budget Trade & Gas had occurred. Data from monitoring wells demonstrated free petroleum product on the ground water beneath the site. On **April 25, 1990**, the RWQCB requested, under authority of CWC § 13267, a report for delineation, a workplan for remediation, removal of free product and monthly reports. On **September 10, 1990**, free product was discovered in a downgradient well located on Formulabs' property. The RWQCB issued Cleanup and Abatement Order (CAO) No. 90-59 which directed Mr. & Mrs. Hsu to immobilize and remove free product, conduct quarterly ground water monitoring, and clean up petroleum hydrocarbon contaminated soil and ground water to the satisfaction of the RWQCB Executive Officer.

On **December 7, 1993**, Mr. & Mrs. Hsu received a Letter of Commitment (LOC) from the State Water Resources Control Board (SWRCB) Underground Storage Tank (UST) Cleanup Fund for reimbursement of remedial costs. The last report for work completed on the site is dated **December 22, 1994**. A total of \$159,899 was reimbursed to Mr. & Mrs. Hsu. On **November 17, 1997**, the SWRCB notified Mr. & Mrs. Hsu that the UST Cleanup Fund had withdrawn their claim due to non-compliance with the local agency's directives and non-compliance with the terms and conditions of the SWRCB Letter of Commitment.

On **May 9, 1996**, the RWQCB rescinded CAO No. 90-59 because it was no longer cost effective to maintain CAO's for cases where another agency (DEH) had oversight of investigation and cleanup, thereby reducing duplicative efforts between local and state agencies.

On **May 17, 1999**, the DEH requested RWQCB assistance in obtaining compliance from Mr. & Mrs. Hsu because there had been no activity on the site since November 1994 despite frequent requests from the DEH requiring action.

On **June 9, 1999**, the RWQCB issued a letter, pursuant to CWC § 13267, that requested a workplan, due August 1, 1999, and a corrective action plan, due September 1, 1999.

On **October 28, 1999** the RWQCB Executive Officer, John H. Robertus, pursuant to CWC § 13323 issued ACL Complaint No. 99-178 to Mr. & Mrs. Hsu via certified mail. The complaint addressed Mr. & Mrs. Hsu's failure to submit technical reports, which constituted violations of law, and proposed the maximum civil liability of \$223,000. Furthermore, the complaint noticed Mr. & Mrs. Hsu that a hearing on this matter would occur before the Regional Board on **December 8, 1999** and that Mr. & Mrs. Hsu could waive their right to a hearing. Mr. & Mrs. Hsu could not receive a hearing before the RWQCB within 60 days of issuance of Complaint No. 99-178 due to lack of a quorum. The **December 8, 1999** hearing was rescheduled to **February 9, 2000**, and therefore a new ACL Complaint was issued.

On **January 12, 2000**, the RWQCB Executive Officer, John H. Robertus, pursuant to CWC § 13323 issued ACL Complaint No. 2000-23 to Mr. & Mrs. Hsu via certified mail. The complaint addressed Mr. & Mrs. Hsu's failure to submit technical reports, which constituted violations of law, and proposed civil liability of \$35,680.

On **February 9, 2000**, the RWQCB adopted ACL Order No. 2000-23 which imposed upon Mr. & Mrs. Hsu, Budget Trade & Gas, a civil liability assessment of \$35,680 for failure to submit a corrective action plan as required by CWC § 13267 (see letter dated June 9, 1999; *Appendix B*). The full amount of \$35,680 was suspended provided that both of the following conditions were met:

1. Submittal of a workplan for full delineation, vertically and horizontally, on-site and off-site, of ground water pollution from the Budget Trade & Gas facility, due **March 10, 2000**.
2. Submittal of a corrective action plan for remediation of ground water pollution from the Budget Trade & Gas facility, due **August 7, 2000**.

If either of the conditions were not satisfied, the full amount of the civil liability would become immediately and automatically due and payable on the date of failure. Mr. & Mrs. Hsu submitted a workplan dated **March 8, 2000**, but failed to submit a corrective action plan for remediation of ground water pollution by close of business **August 7, 2000**.

On **July 27, 2000**, the SWRCB UST Cleanup Fund issued a letter of pre-approval of corrective action costs to Mr. & Mrs. Hsu for \$37,733.

On **August 9, 2000**, the RWQCB informed Mr. & Mrs. Hsu by letter that they had failed to comply with the conditions of the suspension of ACL Order No. 2000-23 (*Appendix C*). An assessment of \$35,680 was payable immediately, no later than 30 days from the date of the letter.

On **September 12, 2000**, the RWQCB informed Mr. & Mrs. Hsu that since the civil liability assessment of \$35,680 had not been paid to the SWRCB by September 9, 2000, that the RWQCB would seek a judgement for the amount of the civil liability (*Appendix D*).

On **September 29, 2000**, the RWQCB informed Mr. & Mrs. Hsu that they still had a responsibility pursuant to CWC § 13267 to submit the corrective action plan requested in the June 9, 1999 letter, and that failure to submit that report would result in continuing accrual of civil liabilities of up to \$1,000 per day of violation from February 10, 2000, the day after adoption of ACL No. 2000-23 (*Appendix E*).

On **November 21, 2000**, RWQCB Executive Officer, John H. Robertus, pursuant to CWC § 13323 issued ACL Complaint No. 2000-256 to Mr. & Mrs. Hsu, via certified mail. The complaint noticed Mr. & Mrs. Hsu that a hearing on this matter would occur before the Regional Board on **November 29, 2000**. The November 29, 2000 meeting was cancelled, and a hearing for ACL Complaint No. 2000-256 was rescheduled for **December 13, 2000**.

3. ALLEGATION

The following allegation against Mr. & Mrs. Hsu is the basis for accessing administrative civil liability and also appears in ACL Complaint No. 2000-256. See section 4.1.3 for a chronological representation of the violations over time.

Failure to Submit a Corrective Action Plan for Remediation of Ground Water Contamination

The full amount of civil liability assessment adopted by the RWQCB was suspended provided that a corrective action plan was submitted by August 7, 2000. Mr. & Mrs. Hsu failed to submit a corrective action plan by close of business, August 7, 2000. Mr. & Mrs. Hsu were informed by a letter dated September 29, 2000, that they had a continuing responsibility to submit a corrective action plan and that civil liabilities would continue to accrue from the day after adoption of ACL Order No. 2000-23.

4. DETERMINATION OF ADMINISTRATIVE CIVIL LIABILITY

In accordance with CWC § 13268 (b) (1), the maximum administrative civil liability which may be imposed for the violation of CWC § 13267 is one thousand dollars (\$1,000) and a minimum of one hundred dollars (\$100) for each day in which the

violation occurs. This report addresses the 293-day period from February 10, 2000 through November 29, 2000. The maximum administrative civil liability, which could be imposed by the Regional Board for this violation, is \$293,000, and the minimum is \$29,300. A recommendation of **\$146,500** is proposed for the above violation.

4.1. Factors to be Considered in Determining the Amount of Administrative Civil Liability

The following factors pursuant to CWC § 13327 were taken into consideration by staff in determining the proposed amount of civil liability; the nature, circumstance, extent, and gravity of the violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violations, and such other matters as justice may require.

4.1.1. Nature, Circumstance, Extent, and Gravity of Violation and Degree of Toxicity

California Water Code § 13267 (a) and (b) state the following:

“13267. (a) A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement or authorized by this division, may investigate the quality of any waters of the state within its region.

“(b) In conducting an investigation specified in subdivision (a), the regional board may require that any person discharging or proposing to discharge waste within its region or any citizen or domiciliary, or political agency or entity of this state discharging or proposing to discharge waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, such technical or monitoring program reports as the board may specify. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.”

California Water Code § 13350 (a) states the following:

“13350. (a) Any person who (1) intentionally or negligently violates any cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the

state board, or (2) in violation of any waste discharge requirement or other order or prohibition issued, reissued, or amended by a regional board or the state board, intentionally or negligently discharges waste, or causes or permits waste to be deposited where it is discharged into the waters of the state and creates a condition of pollution or nuisance, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other provisions of this division, may be liable civilly in accordance with subdivision (d), (e), or (f)."

The DEH and the RWQCB have requested reports, workplans, delineation, remediation, and monitoring reports since 1990. The reports are essential for determining the extent of contamination from the unauthorized release from the underground storage tanks.

Although some assessment and corrective action have occurred at Budget Trade & Gas; the progress has been slow and incomplete. Consequently the full extent of pollution has never been determined, and remediation, other than some free product removal, has not taken place. Detection of free product in a down gradient well at another site demonstrates that pollution has migrated off-site.

The continuing non-compliance and lack of cooperation prompted the DEH to request assistance from the RWQCB (May 17, 1999 letter; *Appendix F*). Mr. & Mrs. Hsu are fully aware of the conditions of pollution to the ground water, and were non-compliant with CAO No. 90-59 while it was in effect.

The Budget Trade & Gas facility lies within the Escondido Hydrologic Subarea of the Carlsbad Hydrologic Unit, and the San Diego RWQCB Basin Plan identifies the beneficial uses of the ground water to be protected as municipal and domestic, agricultural, and industrial. Free product exists at the Budget Trade & Gas facility and has migrated off-site to a down gradient facility (Formulabs). Although free product removal took place from 1990 to 1994, none has occurred since then. A pilot test for vapor extraction and air sparging was performed in 1994, but there has never been any follow up remediation of the petroleum hydrocarbon contamination in the ground water.

Recent observations (October and November 2000) by RWQCB staff has documented that there are a current unauthorized release at Budget Trade & Gas. In October, free product was observed on the surface adjacent to the dispenser islands and absorbent material was spread around the dispensers and on the free product on the pavement. In November, the

DEH and the RWQCB staff noted two leaking fuel dispensers when the dispenser covers were removed.

4.1.2. Degree of Culpability

Mr. & Mrs. Hsu are the sole owners and operators of Budget Trade & Gas. Therefore, Mr. & Mrs. Hsu are solely responsible for not submitting the required corrective action plan to RWQCB on or before August 7, 2000. Mr. & Mrs. Hsu had ample time from February 10, 2000 until November 29, 2000 to submit the requested report. Mr. & Mrs. Hsu have also had additional time from the original due date of September 1, 1999 until the present and have still failed to submit a corrective action plan.

Considering that Mr. & Mrs. Hsu are solely responsible for submitting the corrective action plan, and that they have failed to submit it in over one year's time, Mr. & Mrs. Hsu are fully culpable for the violation.

4.1.3. Prior History of Violations

In the 11-year period that the DEH and the RWQCB have had oversight of the cleanup of pollution from the Budget Trade & Gas facility, the following violations have occurred:

DATE	VIOLATION
December 1989	Drums and free product were removed to an unknown location.
December 1989	Free product was pumped to a storm drain.
February 1990	Past due notice was sent from DEH. Requests for removal of free product, delineation of soil & ground water contamination & free product were sent.
March 1990	Site assessment report was overdue.
April 1990	RWQCB sent 13267 letter for noncompliance with requests for delineation of contamination. The 13267 letter requested a workplan to delineate extent of contamination, to remove free product and to submit monthly reports. The workplan was never received.
October 1990	RWQCB issued Cleanup and Abatement Order No. 90-59 due to noncompliance with the 13267 letter. CAO 90-59 required removal of free product, assessment and remediation by specific dates. Noncompliance with due dates.
April 1991	A DEH letter requested free product removal and timetable. Free product was not removed and a timetable was never received.

November 1991	A DEH letter stated that Budget Gas was responsible for remediation of all petroleum hydrocarbon contamination, including that which had gone off-site. This letter required weekly free product removal and excavation of contaminant source soil. There was no action in response to this letter.
October 1992	DEH issued Corrective Action Order. The Order requested a workplan by December 15, 1992 for delineation of free product in ground water, dissolved contamination in ground water, and soil contamination. The Order also requested a Corrective Action Plan by June 1, 1993. Noncompliance with due dates and a workplan was not received.
May 1995	A past due letter was sent for noncompliance with the Corrective Action Order.
February 1996	A past due letter was sent for noncompliance with the Corrective Action Order.
May 1996	RWQCB rescinded CAO No. 90-59 due to lack of staff resources even though there was noncompliance with CAO No. 90-59.
May 1997	SWRCB sent a letter entitled "Notice of Intended Withdrawal of Letter of Commitment".
September 1997	A DEH letter asked for response by October 6, 1997. Noncompliance with this request.
November 1997	SWRCB withdrew its Letter of Commitment due to noncompliance.
May 1999	A DEH letter to RWQCB requested assistance in obtaining compliance.
June 1999	RWQCB sent CWC 13267 letter that requested a workplan due August 1, 1999 and a Corrective Action Plan due September 1, 1999.
September 1999	RWQCB sent a Notice of Violation for noncompliance with the June 1999 CWC 13267 letter.
October 1999	RWQCB sent Administrative Liability Complaint No. 99-178 for failure to submit a workplan and corrective action plan as required in the June 1999 CWC 13267 letter.
January 2000	RWQCB issued new Administrative Liability Complaint No. 2000-23 for failure to submit a workplan and corrective action plan as required in the June 1999 CWC 13267 letter. Complaint No. 2000-23 was issued because the discharger could not receive a hearing before the RWQCB within 60 days of issuance of Complaint No. 99-178 due to a lack of a quorum.
February 2000	RWQCB adopted Administrative Civil Liability Order No. 2000-23, which imposed a civil liability assessment of \$35,680. The full amount of \$35,680 was suspended provided that two technical reports were submitted by specified dates.

August 2000	RWQCB sent a letter that informed Mr. & Mrs. Hsu that they had failed to comply with the conditions of the suspension of ACL Order No. 2000-23 and the assessment of \$35,680 was payable immediately.
September 2000	RWQCB sent a letter that informed Mr. & Mrs. Hsu of their responsibility to submit a corrective action plan and the continuing accrual of civil liabilities for noncompliance.
November 2000	RWQCB issued new Administrative Liability Complaint No. 2000-256 for failure to submit a corrective action plan as required in the June 1999 CWC 13267 letter.

The table demonstrates that Mr. & Mrs. Hsu have a long history of multiple, serious violations.

4.1.4. Susceptibility to Cleanup and Voluntary Cleanup Efforts Undertaken

There is no evidence to suggest that the site is not susceptible to cleanup. In the 11-year period that the DEH and RWQCB have had oversight of the cleanup of pollution from the Budget Trade & Gas facility, the following cleanup efforts have occurred:

SITE WORK

December 1989 – Underground tanks removed.

March 1990 – Preliminary Site Assessment Report – 6 borings, 5 monitoring wells installed.

June 1991 – Preliminary Subsurface Investigation Report – 2 additional monitoring wells installed.

November 1991 – Report on Additional Subsurface Investigation – 3 borings and 1 monitoring well installed.

September 1994 – Field pilot test for vapor extraction & air sparging (no report ever received).

November 1994 – Monthly status report.

December 1994 – Monthly status report.

FREE PRODUCT REMOVAL MONTHLY REPORTS

July 1990, August 1990, September 1990, December 1994

GROUND WATER MONITORING REPORTS

Date of Report

Quarter Sampled

November 1991

July - September 1991

February 1992

October – December 1991

April 1992

January – March 1992

February 1993

October – December 1992

July 1993	April – June 1993
November 1993	July – September 1993
July 1994	April – June 1994
December 1994	July – September 1994
July 2000	April – June 2000

Other than some free product removal from 1990 through 1994, no additional remediation has taken place at this site.

4.1.5. Economic Savings

The delay and lack of cooperation to conduct a complete site assessment followed by remediation creates an economic benefit to Mr. & Mrs. Hsu. For the last 11 years a condition of pollution associated with discharge of petroleum hydrocarbons to the ground water has existed at the site. The pollutants have migrated off-site and impacted other properties.

In establishing an economic benefit or savings from noncompliance, staff reviewed the *Cost Guidelines for Underground Storage Tank Cleanup Fund*, SWRCB, 1996. The purpose of the guidelines is to provide guidance to claimants for evaluating proposed and incurred corrective action costs at sites eligible for participation in the Cleanup Fund. The Guidelines list the following costs for reports:

Corrective Action Plan (Basic site with moderate groundwater and soil contamination)	\$ 3,120.00
Corrective Action Plan (Complicated site with extensive groundwater and soil contamination, difficult hydrogeology, multiple contaminants, and above ground complications)	\$ 5,180.00

By failure to provide a corrective action plan, the economic benefit or savings could range from \$3,120 to \$5,180 depending on the complexity of the reports.

4.1.6. Ability to Pay and Ability to Continue in Business

Upon review of available information, RWQCB staff is not aware of any circumstances, which would prevent Mr. & Mrs. Hsu from paying the proposed administrative civil liability without undue hardship. Mr. & Mrs. Hsu have been operating this retail service station the entire time this facility has been under site assessment oversight of the DEH and the RWQCB.

The Board of Equalization, Fuel Tax Division provided the following information for Budget Trade & Gas (Tax # TKMT44-023182):

Gas usage by quarter in gallons:

1Q97	145,000 (estimated)
2Q97	149,275
3Q97	146,132
4Q97	<u>164,611</u>
Total	605,018

1Q98	180,000 (estimated)
2Q98	180,662
3Q98	200,120
4Q98	<u>201,017</u>
Total	761,799

1Q99	175,949
2Q99	193,176
3Q99	148,205
4Q99	<u>172,443 (estimated)</u>
Total	689,773 (estimated)

With an estimated profit of \$.03 per gallon of gasoline, there is an estimated \$61,698 annual income at this gas station for 1997, 1998, and 1999.

At this time, the RWQCB has no information that Mr. & Mrs. Hsu are unable to pay the proposed ACL or how payment of the proposed ACL would affect the ability of Mr. & Mrs. Hsu to remain in business. Mr. & Mrs. Hsu have the burden of establishing a claim of inability to pay the proposed ACL. The RWQCB should carefully consider the legitimacy of any such claim by Mr. & Mrs. Hsu with regard to the amount of ACL proposed in Complaint No. 2000-256.

4.1.7. Other Matters as Justice May Require

Since February 2000, the RWQCB has invested an estimated 117 hours to investigate and consider action regarding this matter. At an average rate of \$70 per hour, and \$72 per hour for Senior Staff Counsel, the total investment of Regional Board resources is \$9470.

Regional Board staff	90	hours
Senior Engineering Geologist	30	hours
Executive Officer	5	hours
Total Regional Board hours	125	hours
Cost per hour of Regional Board staff time	\$ 70.00/hour	
Total Regional Board cost	\$ 8750	
Senior Staff Counsel John Richards	10	hours
Cost per hour of Office of Chief Counsel time	\$ 72.00/hour	
Total Office of Chief Counsel cost	\$ 720	
Total recoverable staff costs:	\$ 9470	

The economic benefits or savings (based on *Cost Guidelines for Underground Storage Tank Cleanup Fund*), and total staff costs incurred by the RWQCB and Office of Chief Counsel to date ranges from \$12,590 to \$14,650.

4.2. Minimum and Maximum Civil Liability Amounts

Pursuant to CWC § 13350 (f)(1) the minimum civil liability that the Regional Board may assess is one hundred dollars for each day of violation, and the maximum civil liability that the Regional Board may assess is one thousand dollars for each day of violation.

Violation	Days of Violation	Liability	
		Minimum	Maximum
Failure to submit corrective action plan for remediation of ground water contamination	293	\$ 29,300	\$ 293,000

4.3. Proposed Civil Liability Per Violation

The proposed amount of civil liability attributable to the violation was determined by taking into consideration the factors discussed in section 4.1. as well as the minimum and maximum civil liability the Regional Board may assess as discussed in section 4.2.

Mr. & Mrs. Hsu intentionally and knowingly avoided for more than one year submitting a corrective action plan for the remediation of ground water contamination at the Budget Trade & Gas facility. Mr. & Mrs. Hsu are fully

culpable for this violation. Mr. & Mrs. Hsu have a long history of multiple, serious violations at the site. The DEH and the RWQCB staff documented the most recent violation of leaking fuel dispensers in November 2000. Voluntary cleanup efforts at the site have been limited, and in the last six years, nonexistent. There is no evidence that the site is not susceptible to cleanup. Mr. & Mrs. Hsu's lack of action in cleaning up the site has resulted in free product migrating off-site and impacting a neighboring property. The estimated economic benefit to Mr. & Mrs. Hsu for not submitting the corrective action plan plus the total staff costs incurred by the RWQCB and Office of Chief Counsel ranges from \$12,590 to \$14,650. Staff has no information that Mr. & Mrs. Hsu are unable to pay the proposed civil liability. Considering these factors, the proposed civil liability is assessed at \$450 per day of violation for 293 days of violation (\$131,850), plus economic benefit and staff costs of \$14,650, resulting in a total assessment of \$146,500.

4.4. Comparison of Proposed Civil Liability to SWRCB Guidance to Implement the Water Quality Enforcement Policy, Assessment Matrix

The SWRCB Guidance to Implement the Water Quality Enforcement Policy contains an Assessment Matrix as seen below. The matrix ranks the Compliance Significance (Discharger) and Environmental Significance (Discharge) as "Minor," "Moderate" or "Major." Based upon the determination of the two categories, a range of civil liability is provided. This matrix assists the Regional Board in determining, after a consideration of the factors in section 4.1., whether the proposed ACL is appropriate.

Assessment Matrix

	Environmental Significance (Discharge)		
	Minor	Moderate	Major
Minor	\$100 - \$2,000	\$1,000 - \$20,000	\$10,000 - \$100,000
Moderate	\$1,000 - \$20,000	\$10,000 - \$100,000	\$50,000 - \$200,000
Major	\$10,000 - \$100,000	\$50,000 - \$200,000	\$100,000 to maximum amount

The failure to comply with date in the suspended ACL Order No. 2000-23 constitutes a "Major" Compliance violation as it pertains to the discharger. The failure to submit the requested corrective action plan ranks as a "Moderate" Environmental Significance (Discharge) as it pertains to the a lack of action for continued remediation of contamination at the site. Using the matrix, the range of an ACL for a "Major" Compliance Significance with a "Moderate"

Environmental Significance is \$50,000 to \$200,000. The proposed civil liability of \$146,500 is within the matrix range.

4.5. TOTAL PROPOSED ADMINISTRATIVE CIVIL LIABILITY

The total proposed civil liability in this matter, accounting for the violation is **\$146,500.**

APPENDIX A

ACL Complaint No. 2000-256



California Regional Water Quality Control Board

San Diego Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324
Phone (858) 467-2952 • FAX (858) 571-6972



November 21, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED - Z 068 636 654

Mr. Chung Kwan Hsu & Hui Mei Hsu
Budget Trade & Gas.
510 West 5th Avenue
Escondido, CA 92025

Dear Mr. & Mrs. Hsu:

NOTICE OF PUBLIC HEARING FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. 2000-256

Enclosed find Complaint No. 2000-256 for Administrative Civil Liability (originally issued November 6, 2000). The San Diego Regional Water Quality Control Board (SDRWQCB) decided not to meet on November 29, 2000 and placed agenda items from the November 29th meeting to the December 13th meeting. This complaint is being issued to Mr. & Mrs. Hsu, owners and operators of Budget Trade & Gas, 510 West 5th Avenue, Escondido, for failure to submit a corrective action plan as required in a June 9, 1999 SDRWQCB California Water Code (CWC) Section 13267 letter.

Unless waived (see enclosed Waiver of Hearing Form), a public hearing will be held on this matter before the SDRWQCB on December 13, 2000 at the Metropolitan Wastewater Department auditorium, 9192 Topaz Way, San Diego, California. The meeting is scheduled to begin at 9:00 a.m. Also enclosed is a copy of the hearing procedures, which the SDRWQCB will follow at December 13th meeting.

If you have any questions, please call Susan Pease of my staff at (858) 637-5596, or SWRCB counsel, John Richards, at (916) 657-2075. Written correspondence pertaining to the issuance of this complaint should be directed as follows:

Mr. John H. Robertus
Executive Officer
California Regional Water Quality Control Board, San Diego Region
9771 Clairemont Mesa Blvd., Suite A
San Diego, CA 92124-133

California Environmental Protection Agency

Recycled Paper



Mr. & Mrs. Hsu

- 2 -

November 21, 2000

Sincerely,



JOHN H. ROBERTUS
Executive Officer
San Diego Regional Water Quality Control Board

JHR:cmw:sjp c:hsuacp4ltr.doc

file # 50-2661.05

Enclosure: Complaint # 2000-256 for Administrative Civil Liability

cc: Mike Verneti (with enclosure)
County of San Diego, Department of Environmental Health
P.O. Box 129261
San Diego, CA 92122-9261

John Richards, Office of Chief Counsel, State Water Resources Control Board (with enclosure)

Margie Gliatto, Office of Chief Counsel, State Water Resources Control Board

David M. Henry, R.G., REA
Hazard Management Consulting, Inc.
211 West Avenida Cordoba, Suite 200
San Clemente, CA 92672

K.T. Mao (with enclosure)
1514 Curtis Street
Denver, Colorado 80202-5760

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

IN THE MATTER OF

CHUNG KWAN HSU & HUI MEI HSU)	COMPLAINT NO. 2000-256
BUDGET TRADE & GAS,)	FOR
SAN DIEGO COUNTY)	ADMINISTRATIVE CIVIL LIABILITY
)	NOVEMBER 21, 2000

MR. & MRS. HSU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (RWQCB) may impose civil liability under Section 13268 of the California Water Code.
2. A hearing on this matter before the RWQCB has been scheduled for December 13, 2000, at the Metropolitan Wastewater Department auditorium, 9192 Topaz Way, San Diego. The meeting is scheduled to begin at 9:00 A.M. At the hearing, you will have an opportunity to be heard and to contest the allegations in this complaint and the imposition of civil liability by the RWQCB. Additional notice of this public hearing and the hearing procedures will be provided to you prior to the hearing date with the agenda for the RWQCB meeting.
3. At the hearing, the RWQCB will determine the validity of the allegations contained herein, and, if the allegations are found to be true, will consider whether or not to assess civil liability in the amount proposed by this complaint, or in some other amount. The RWQCB may refer the matter to the Attorney General for judicial assessment of civil liability (with higher maximum liabilities for each violation).

ALLEGATIONS

4. Mr. & Mrs. Hsu are the owners and operators of Budget Trade & Gas, located at 510 West 5th Avenue, Escondido, a retail service station in San Diego County.
5. Mr. & Mrs. Hsu were required to submit a corrective action plan by September 1, 1999.
6. Mr. & Mrs. Hsu failed to submit the corrective action plan by September 1, 1999; and have not filed the plan to date.

OTHER FACTS

7. The RWQCB imposed a civil liability of \$160 per day on Mr. & Mrs. Hsu for the initial 127 day period from August 1, 1999 through December 8, 1999 for failure to submit a workplan for assessment, **and** a 96 day period from September 1, 1999 through December 8, 1999 for failure to submit a corrective action plan. On February 9, 2000 the RWQCB suspended the entire amount of liability on the condition that Mr. & Mrs. Hsu submit the workplan for assessment by March 10, 2000 **and** the corrective action plan by August 7, 2000. A workplan for assessment was submitted by March 10, 2000, however, Mr. & Mrs. Hsu have failed to submit the corrective action plan and thus failed to satisfy the condition of suspension, and incurred a civil liability of \$35,680.

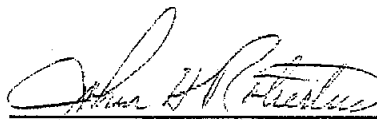
PROPOSED CIVIL LIABILITY

8. The maximum civil liability (accrued through the scheduled November 29, 2000 Regional Board meeting) that could be imposed on Mr. & Mrs. Hsu by the SDRWQCB is \$293,000. The amount of \$146,500 is proposed for the above violations based on: \$500 per day for 293 days of violation, from February 10 to November 29, 2000, for failure to submit a corrective action plan, for a total of \$146,500.

WAIVER OF HEARING

9. You may waive your right to a hearing. Waiver of the hearing constitutes admission of the validity of the allegation of violations in Complaint No. 2000-256 and acceptance of assessment of civil liability in the amount of \$146,500 as set forth in Paragraph No. 8 above. If you wish to waive the hearing, you or an authorized agent must sign and return the waiver form attached to this complaint, together with a cashier's check for the amount of the civil liability proposed in Paragraph No. 8 above. The cashier's check must be made payable to the California State Water Resources Control Board, and mailed to the California Regional Water Quality Control Board, San Diego Region, 9771 Clairemont Mesa Blvd., Suite A, San Diego, California 92124-1324. If a hearing is held, comments from you and interested parties may be considered by the SDRWQCB in determining the amount of civil liability to assess. Following the hearing, the SDRWQCB may impose an amount of civil liability other than that proposed in this complaint or revoke the complaint and refer the matter to the Attorney General for judicial assessment of civil liability (with higher maximum liabilities for each violation). Please direct questions about this matter to the Executive Officer at (858) 467-2987.

11-21-2000
Date


JOHN H. ROBERTUS
Executive Officer

WAIVER OF THE RIGHT TO A HEARING

By signing below and attaching a cashier's check for the amount of civil liability proposed in Complaint No. 2000-256 for Administrative Civil Liability (ACL), Mr. & Mrs. Hsu waive the right to a hearing before the SDRWQCB with regard to the violations alleged in Complaint No. 2000-256. Waiver of the hearing constitutes admission of the validity of the allegation of violations in this complaint and acceptance of assessment of civil liability in the amount of \$146,500 as set forth in Complaint No. 2000-256. Mr. & Mrs. Hsu understand that they are giving up the right to argue against the allegations made by the Executive Officer in this complaint, and against imposition of, and the amount of, the civil liability imposed.

Signature: _____

Printed Name: _____

Title/Position: _____

Date: _____

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

PUBLIC HEARING PROCEDURES
FOR
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. 2000-256

A. Direct Testimony

1. No later than ten days prior to the hearing date, any person requesting a hearing must submit:
 - a. A list of all witnesses whose testimony will be introduced at the hearing; and
 - b. The written testimony of each witness so identified.
2. At the hearing, each witness appearing on behalf of the person requesting a hearing will be given five minutes to authenticate submitted written materials and to summarize his or her written testimony.
3. Other interested persons are encouraged, but are not required to, submit their testimony in writing to the Regional Board prior to the hearing. Appropriate time limits, generally not more than five minutes will be placed on testimony by these individuals.

B. Cross-Examination

1. Any person requesting a hearing may cross-examine any individual who has provided direct testimony. Total cross-examination time will be limited to a maximum of thirty minutes.
 2. Cross-examination will be limited to matters covered on direct testimony unless otherwise authorized by the Regional Board Chairman.
3. Additional time for cross-examination may be allowed, at the discretion of the chairman, upon demonstration that the additional cross-examination is necessary, relevant, and not redundant.
4. Regional Board Members, staff, and counsel may ask questions at any time.

Redirect and Recross-Examination

Redirect and recross-examination may be allowed at the discretion of the Chairman.

C. Closing Statement

At the conclusion of the hearing, all persons who testified at the hearing will be given three minutes to present a closing statement.

D. Discretion of the Chairman

At the discretion of the Regional Board Chairman, the time limits and other restrictions on testimony outlined in this enclosure may be modified.

Z 068 636 654

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided

Do not use for International Mail (See reverse)

Sent to	
Mr. Chung Kuan Hsu 9 Gas	
Street & Number	
510 West 5th Ave	
Post Office, State, & ZIP Code	
Escondido CA 92025	
Postage	\$ 90
Certified Fee	140
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	125
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 342
Postmark or Date	
Nov. 21, 2000	

PS Form 3800, April 1995

Fold at line over top of envelope to the right of the return address.

CERTIFIED

Z 068 636 654

MAIL

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Mr. Chung Kuan Hsu 9
 Hui mei Hsu 9 Gas
 Budget Trade Avenue
 510 West 5th Ave
 Escondido, CA 92025

4a. Article Number

2068 636 654

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

11/20/00

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

Dai Hsu

6. Signature: (Addressee or Agent)

X Dai Hsu

Domestic Return Receipt

PS Form 3811, December 1994

Thank you for using Return Receipt Service.

APPENDIX B

June 9, 1999 CWC 13267 Letter



California Regional Water Quality Control Board

San Diego Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb9>
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324
Phone (619) 467-2952 + FAX (619) 571-6972



Gray Davis
Governor

June 9, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Z 222 406 893

Mr. Hui Mei (Jimmie) Hsu & Chung Kwan Hsu
Budget Trade & Gas
510 West 5th Avenue
Escondido, CA 92025

Dear Mr. Hsu:

**RE: COMPLIANCE AT BUDGET TRADE AND GAS, 510 WEST 5TH AVENUE,
ESCONDIDO, CA 92025**

The California Regional Water Quality Control Board (RWQCB) is the State regulatory agency with the responsibility for protecting the quality of ground waters and surface water within its area of jurisdiction. The RWQCB has been given authority under the California Water Code (CWC) to require submission of information, direct action, establish regulations, levy penalties and/or bring legal action when necessary to protect water quality.

It is our understanding that the above referenced site is under the jurisdiction of the Local Oversight Program with the County of San Diego, Department of Environmental Health (DEH). The record shows that the Unauthorized Release was reported on 10/10/89. RWQCB has been asked to assist DEH in obtaining compliance with their requests for a complete site assessment and remediation of petroleum hydrocarbon contamination at Budget Trade and Gas. A chronology of events demonstrates repeated requests from DEH for site assessment, workplans, reports, free product removal, and corrective action plans (see attached).

DEH issued you a Corrective Action Order on October 20, 1992 requesting a workplan and corrective action plan. Since the State Water Resources Control Board (SWRCB) was evaluating your application for reimbursement under the UST Cleanup Fund, DEH did not take further enforcement action as a result of noncompliance with the Corrective Action Order. However, on November 11, 1997 the SWRQB withdrew your claim for reimbursement from the Fund due to noncompliance with local agencies and the terms and conditions of the Letter of Commitment.

The contamination from the unauthorized release on your property presents a threat of impairment to the beneficial uses of the ground water in the area. It is therefore imperative that the full extent of the petroleum hydrocarbon contamination be defined

California Environmental Protection Agency

Mr. Hsu

- 2 -

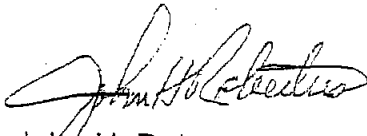
June 9, 1999

and that the free product and dissolved product be immobilized, delineated and remediated.

Pursuant to California Water Code (CWC) Section 13267, please provide DEH, no later than **August 1, 1999**, a workplan for full delineation, vertical and horizontal, on site and off site, of ground water contamination from the Budget Trade and Gas facility. Additionally, provide DEH a corrective action plan for remediation of ground water contamination no later than **September 1, 1999**. The Corrective Action Plan shall address free product and dissolved product remediation. **Failure to submit the workplan and corrective action plan indicated above by the due dates may result in the RWQCB issuing an administrative civil liability to Budget Trade and Gas in the amount of up to \$1,000 for each day of violation (CWC Section 13268).**

Should you have any questions, please contact Susan Pease at (619) 637-5596.

Sincerely,



John H. Robertus
Executive Officer

Attachment: Table 1

JHR:jpa:sjp c:hsu13267.doc

cc: Darryl Fowler, Supervising Environmental Health Specialist
County of San Diego
Department of Environmental Health
P.O. Box 129261
San Diego, CA 92112-9261

TABLE 1
BUDGET TRADE AND GAS

DATE	DEH REQUEST	BUDGET TRADE & GAS RESPONSE
4/17/91	Letter for free product removal, required timetable	Non-compliance
11/5/91	Letter for remediation of all petroleum hydrocarbon contamination including on Formulabs property (adjacent property); weekly free product removal	Removed free product weekly initially, changed to monthly till January 1992, back to weekly till July 92, then monthly again; 3 additional borings, 1 well installed
10/20/92	Corrective Action Order - provide a workplan by 12/15/92 to complete delineation of free produce, dissolved petroleum in ground water and contaminated soil. Provide Corrective Action Plan by 6/1/93	Non-compliance. Insufficient financial resources. Workplan and proposed remediation submitted 2/10/94. Additional wells installed, pilot test for vapor extraction.
5/1/95	Past due notice requesting update.	Non-compliance
11/16/95	Meeting	Agreed to complete delineation of soil and ground water, continue ground water monitoring, submit pilot test results, and check wells monthly for free product
2/16/96	Past due notice requesting update.	Non-compliance
9/17/97	Letter stating that no workplan had been received; free product must be removed, soil and ground water assessment must be completed. Response due 10/6/97	Non-compliance

Z 222 06 893

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for international Mail (See reverse)

Sent to	Hui Mei (Jimmy)
Street & Number	310 West 5th Ave
Post Office, State, & ZIP Code	Escondido CA 92025
Postage	\$ 33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$29.8
Postmark or Date	June 11, 1999

PS Form 3800, April 1995

the right of the return address

CERTIFIED

Z 222 406 893

MAIL

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr Hui Mei (Jimmy)
Hsu & Chung Kwan Hsu
Budget Trade & Gas
310 West 5th Avenue
Escondido CA 92025

4a. Article Number
Z 222 406 893

4b. Service Type

☐ Registered ☒ Certified

☐ Express Mail ☐ Insured

☐ Return Receipt for Merchandise ☐ COD

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

7. Date of Delivery
06 12 99

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN ADDRESS completed on the reverse side?

PS Form 3811, December 1994

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

APPENDIX C

August 9, 2000 RWQCB Letter



California Regional Water Quality Control Board
San Diego Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324
Phone: (858) 467-2952 • FAX: (858) 571-6972



August 9, 2000

Certified Mail – Return Receipt Requested
Z 176 916 880

Mr. & Mrs. Chung Kwan Hsu
Budget Trade & Gas
510 West 5th Avenue
Escondido, CA 92025

Dear Mr. & Mrs. Hsu:

**ADOPTION OF ADMINISTRATIVE CIVIL LIABILITY (ACL) ORDER NO. 2000-23 BY THE
REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) ON FEBRUARY 9, 2000;
FACILITY: BUDGET TRADE & GAS, SAN DIEGO COUNTY**

On February 16, 2000, you were sent ACL No. 2000-23, adopted by the RWQCB on February 9, 2000 (enclosed). The cover letter described the two conditions that you were to meet by specified dates, and the full amount of the ACL was suspended provided that both conditions were met. The second condition requested submittal of a corrective action plan for remediation of ground water pollution from the Budget Trade & Gas facility, due August 7, 2000. By close of business (5:00 p.m.) on August 7, 2000, a corrective action plan had not been received.

The adoption of Order No. 2000-23 imposes upon you a civil liability assessment of \$35,680 for failure to submit a workplan and corrective action plan as required by California Regional Water Quality Control Board pursuant to California Water Code 13267, and is payable immediately. A cashier's check must be made payable to the State Water Resources Control Board, and mailed to the California Regional Water Quality Control Board, San Diego Region, 9771 Clairemont Mesa Blvd., Suite A, San Diego, CA 92124-1324.

California Water Code Section 13323(d) requires civil liability assessments to be paid no later than 30 days from the date on which the order was adopted. Penalties for noncompliance with Order No. 2000-23 are severe and include administrative civil liability of up to \$10,000 for each day the violation occurs, criminal prosecution, or both.

If you have any questions regarding this matter, please contact me (858) 467-2987 or Sue Pease at (858) 637-5596.

Respectfully,

JOHN H. ROBERTUS
Executive Officer

California Environmental Protection Agency

Recycled Paper



50-2661.05

Mr. & Mrs. Hsu

- 2 -

August 9, 2000

JHR:jpa:sjp c:hsuaclett.doc

cc: John Richards, Office of Chief Counsel, State Water Resources Control Board,
Sacramento

Darryl Fowler
County of San Diego, Department of Environmental Health
P.O. Box 129261
San Diego, CA 92122-9261

David M. Henry, R.G., REA
Hazard Management Consulting, Inc.
211 West Avenida Cordoba, Suite 200
San Clemente, CA 92672

K.T. Mao
1514 Curtis Street
Denver, Colorado 80202-5760

Jim Leist, Project Manager
Environmental Engineering & Contracting, Inc.
515 N. Cabrillo Park Drive, Suite #120
Santa Ana, CA 92701

Ms. Judy Reid
Clean Waters Program
State UST Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120





Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

San Diego Region

Internet Address: <http://www.swrcb.ca.gov/~rwqcb9/>
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324
Phone (858) 467-2952 • FAX (858) 571-6972



Gray Davis
Governor

CERTIFIED MAIL RETURN RECEIPT REQUESTED
Z 176 916 838

February 16, 2000

Mr. & Mrs. Chung-Kwan Hsu
Budget Trade & Gas
510 West 5th Avenue
Escondido, CA 92025

Dear Mr. & Mrs. Hsu:

ADOPTION OF ADMINISTRATIVE CIVIL LIABILITY ORDER NO. 2000-23 BY THE
REGIONAL WATER QUALITY CONTROL BOARD ON FEBRUARY 9, 2000
FACILITY: BUDGET TRADE & GAS, SAN DIEGO COUNTY

Attached please find Administrative Civil Liability (ACL) Order No. 2000-23 as adopted
by Regional Water Quality Control Board, San Diego Region (SDRWQCB) on February
9, 2000.

Complaint No. 2000-23 for ACL was issued on January 12, 2000, and listed the specific
allegations in this matter. The adoption of ACL Order No. 2000-23 imposes upon Mr. &
Mrs. Hsu, Budget Trade & Gas facility, San Diego County, a civil liability assessment of
\$35,680 for failure to submit a workplan and a corrective action plan as required by
California Regional Water Quality Control Board pursuant to Water Code 13267. The
amount of \$35,680 is suspended provided that both of the following conditions are met:

- a. Mr. & Mrs. Hsu shall submit to the Regional Board a workplan for full
delineation, vertical and horizontal, on-site and off-site, of ground water
pollution from the Budget Trade & Gas facility, due **March 10, 2000**.
- b. Mr. & Mrs. Hsu shall submit to the Regional Board a corrective action plan for
remediation of ground water pollution from the Budget Trade & Gas facility,
due **August 7, 2000**.

If you fail to satisfy either of the conditions above, the full amount of civil liability will
become immediately and automatically due on the date of failure, and shall be payable
within 30 days of becoming due. At that time, a cashier's check in the amount of
\$35,680 will be made payable to the California State Water Resources Control Board,
and mailed to the California Regional Water Quality Control Board, San Diego Region,
9771 Clairemont Mesa Blvd., Suite A, San Diego, California 92124-1324.

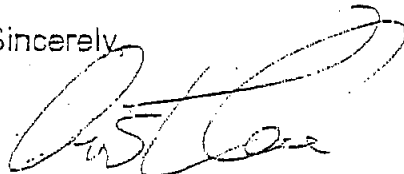
California Environmental Protection Agency

February 16, 2000

Pursuant to California Water Code (CWC) Section 13323(d), the civil liability assessment must be paid no later than 30 days from the date on which it becomes due. Penalties for noncompliance with Order No. 99-70 are severe and include administrative civil liability of up to \$10,000 for each day the violation occurs, criminal prosecution, or both.

If you have any questions regarding this matter, please contact Ms. Susan Pease at (858) 637-5596.

Sincerely,



JOHN H. ROBERTUS
Executive Officer
San Diego Regional Water Quality Control Board

Enclosures: Administrative Civil Liability Order No. 2000-23

JHR:jpa:sjp

CC: Darryl Fowler (with enclosure), San Diego County Department of
Environmental Health
Mr. K.T. Mao (with enclosure)
1514 Curtis Street
Denver, Colorado 80202-5760

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. 2000-23
BUDGET TRADE & GAS
SAN DIEGO COUNTY

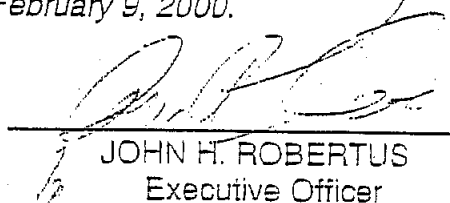
Based upon the record contained in its files and the testimony presented at the hearing on this matter, conducted in San Diego on February 9, 2000, the California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

1. Mr. & Mrs. Hsu admit that they have failed to submit a workplan by August 1, 1999 for full vertical and horizontal delineation of the extent of ground water pollution associated with the release of petroleum hydrocarbon fuel from leaking underground storage tanks at Budget Trade & Gas, 510 West 5th Avenue, Escondido; and a corrective action plan for the discharge by September 1, 1999, as required by the California Regional Water Quality Control Board, San Diego Region pursuant to WC 13267.
2. Mr. & Mrs. Hsu have not submitted the required technical reports to the Regional Board as of the date of this order.
3. The Regional Board was precluded from conducting a hearing on this violation in December 1999.
4. The amount of civil liability recommended by the Executive Officer in Complaint No. 2000-23, based on a period of violation extending from August 2, 1999 until December 9, 1999 for the workplan, and September 2, 1999 until December 9, 1999 for the corrective action plan (when the Regional Board would have considered this matter but for the lack of a quorum of members) and on consideration of the factors set forth in Section 13327 of the Water Code, as described in the Technical Report for this matter is appropriate.
5. Equitable considerations, including financial hardship, lack of proficiency in the English language, lack of regular contact between regulatory agencies and Mr. & Mrs. Hsu's counselor, K.T. Mao, and Mr. & Mrs. Hsu's commitment to expeditious compliance with the order of the Regional Board and orders of San Diego County Department of Environmental Health justify suspension of the payment of civil liability in this case.
6. Mr. & Mrs. Hsu should be able to submit the workplan to the Regional Board before the end of the February 2000, and should be able to prepare and submit the corrective action plan to the Regional Board within 6 months.
7. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 2100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulation.

IT IS HEREBY ORDERED, that,

1. Administrative Civil Liability is imposed on Mr. & Mrs. Hsu in the amount of \$35,680.
2. The amount of \$35,680 is hereby suspended provided that both of the following conditions are met:
 - a. Mr. & Mrs. Hsu shall submit to the Regional Board a workplan for full delineation, vertical and horizontal, on-site and off-site, of ground water pollution from the Budget Trade & Gas facility, due March 10, 2000.
 - b. Mr. & Mrs. Hsu shall submit to the Regional Board a corrective action plan for remediation of ground water pollution from the Budget Trade & Gas facility, due August 7, 2000.
3. If Mr. & Mrs. Hsu fail to satisfy either of the conditions in 2 above, the full amount of civil liability assessed by the Regional Board, \$35,680, will become immediately and automatically due on the date of such failure; the liability shall be payable within 30 days of becoming due.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on February 9, 2000.



JOHN H. ROBERTUS
Executive Officer

JHR:jpa:sjp

Z 176 916 880
 US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to Chung Kuan Hsu	
Street & Number 510 W. 5th Ave	
Post Office, State, & ZIP Code Escondido, CA 92025	
Postage	\$ 1.55
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$3.20
Postmark or Date August 11, 2000	

PS Form 3800, April 1995

Fold at line over top of envelope to the right of the return address

CERTIFIED

Z 176 916 880

MAIL

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

**Mr. & Mrs. Chung Kuan Hsu
 Budget Trade & Gas
 510 West 5th Avenue
 Escondido, CA 92025**

4a. Article Number

Z 176 916 880

4b. Service Type

- ☐ Registered
- ☐ Express Mail
- ☒ Return Receipt for Merchandise
- ☒ Certified
- ☐ Insured
- ☐ COD

7. Date of Delivery

081200

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *HA*

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

APPENDIX D

September 12, 2000 RWQCB Letter



California Regional Water Quality Control Board
San Diego Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324
Phone: (858) 467-2952 • FAX (858) 571-6972



September 12, 2000

Certified Mail – Return Receipt Requested
Z 176 916 936

Mr. & Mrs. Chung Kwan Hsu
Budget Trade & Gas
510 West 5th Avenue
Escondido, CA 92025

Dear Mr. & Mrs. Hsu:

**ADOPTION OF ADMINISTRATIVE CIVIL LIABILITY (ACL) ORDER NO. 2000-23 BY THE
REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) ON FEBRUARY 9, 2000;
FACILITY: BUDGET TRADE & GAS, SAN DIEGO COUNTY**

On August 9, 2000, you were sent a letter, via certified mail, that informed you of the imposition of civil liability assessment of \$35,680 for failure to submit a workplan and corrective action plan as required by California Regional Water Quality Control Board pursuant to California Water Code 13267. The letter informed you that the assessment was payable immediately by cashier's check to the State Water Resources Control Board, mailed to the California Regional Water Quality Control Board, San Diego Region, 9771 Clairemont Mesa Blvd., Suite A, San Diego, CA 92124-1324. California Water Code Section 13323(d) requires civil liability assessments to be paid no later than 30 days from the date on which the order was adopted. To date, the assessment has not been received.

RWQCB is compelled to seek a judgement for the amount of civil liability imposed because you did not comply with the conditions of ACL No. 2000-23 or with your obligation to pay, therefore we have referred the matter to State Counsel for further action.

If you have any questions regarding this matter, please contact me (858) 467-2987 or Sue Pease at (858) 637-5596.

Respectfully,

JOHN H. ROBERTUS
Executive Officer

JHR:jpa:sjp c:hsuaclett2.doc

cc: John Richards, Office of Chief Counsel, State Water Resources Control Board,
Sacramento

California Environmental Protection Agency

Darryl Fowler
County of San Diego, Department of Environmental Health
P.O. Box 129261
San Diego, CA 92122-9261

David M. Henry, R.G., REA
Hazard Management Consulting, Inc.
211 West Avenida Cordoba, Suite 200
San Clemente, CA 92672

K.T. Mao
1514 Curtis Street
Denver, Colorado 80202-5760

Jim Leist, Project Manager
Environmental Engineering & Contracting, Inc.
515 N. Cabrillo Park Drive, Suite #120
Santa Ana, CA 92701

Ms. Judy Reid
Clean Waters Program
State UST Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

2 176 916 936

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <u>Chong Kwam Hsu</u>	
Street & Number <u>510 West 5th Ave</u>	
Post Office, State, & ZIP Code <u>Escondido CA 92025</u>	
Postage	\$ <u>1.33</u>
Certified Fee	<u>1.40</u>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<u>1.25</u>
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ <u>2.98</u>
Postmark or Date <u>Sept 13, 2000</u>	

PS Form 3800, April 1995

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CERTIFIED

2 176 916 936

MAIL

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SENDER:

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- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
 - ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

Mr. & Mrs. Chong Kwam Hsu
Budget Trade & Gas
510 West 5th Ave
Escondido CA 92025

4a. Article Number

2 176 916 936

4b. Service Type

- ☐ Registered
- ☐ Express Mail
- ☒ Return Receipt for Merchandise
- ☒ Certified
- ☐ Insured
- ☐ COD

7. Date of Delivery

09/14/00

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

[Signature]

6. Signature: (Addressee or Agent)

[Signature]

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Receipt

Thank you for using Return Receipt Service.

Thank you for using Return Receipt Service.

APPENDIX E

September 29, 2000 RWQCB Letter



California Regional Water Quality Control Board

San Diego Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324
Phone (858) 467-2952 • FAX (858) 571-6972

Gray Davis
Governor

September 29, 2000

Certified Mail – Return Receipt Requested
Z 176 916 943

Mr. & Mrs. Chung Kwan Hsu
Budget Trade & Gas
510 West 5th Avenue
Escondido, CA 92025

Dear Mr. & Mrs. Hsu:

RESPONSIBILITY TO SUBMIT REQUESTED REPORT AND CONTINUING ACCRUAL OF CIVIL LIABILITY: BUDGET TRADE & GAS, SAN DIEGO COUNTY

On August 9, 2000, you were sent a letter, via certified mail, that informed you of the imposition of civil liability assessment of \$35,680 for failure to submit a corrective action plan as required by California Regional Water Quality Control Board pursuant to California Water Code (CWC) 13267. On September 12, 2000, you were sent a letter, via certified mail, informing you that the San Diego Regional Water Quality Control Board (RWQCB) is seeking judgement for the amount of the civil liability because you did not comply with the conditions of Administrative Civil Liability (ACL) No. 2000-23 or with your obligation to pay.

You have a responsibility to submit the corrective action plan requested in the June 9, 1999 CWC 13267 letter. Failure to submit the report will result in continuing accrual of civil liabilities of up to \$1,000 per day of violation from the day after the adoption of ACL No. 2000-23, February 10, 2000.

If you have any questions regarding this matter, please contact me (858) 467-2987 or Sue Pease at (858) 637-5596.

Respectfully,

JOHN H. ROBERTUS
Executive Officer

JHR:jac:sjp c:hsuaclett3.doc

cc: John Richards, Office of Chief Counsel, State Water Resources Control Board,
Sacramento

California Environmental Protection Agency

Recycled Paper



September 29, 2000

Darryl Fowler
County of San Diego, Department of Environmental Health
P.O. Box 129261
San Diego, CA 92122-9261

David M. Henry, R.G., REA
Hazard Management Consulting, Inc.
211 West Avenida Cordoba, Suite 200
San Clemente, CA 92672

K.T. Mao
1514 Curtis Street
Denver, Colorado 80202-5760

Jim Leist, Project Manager
Environmental Engineering & Contracting, Inc.
515 N. Cabrillo Park Drive, Suite #120
Santa Ana, CA 92701

Ms. Judy Reid
Clean Waters Program
State UST Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120



Z 176 916 943
 US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	
Chung Kuan Hsu	
Street & Number	
510 Trade 9 GUS	
Post Office, State, & ZIP Code	
Escondido CA 92025	
Postage	\$ 33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	125
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	
10-2-00	

PS Form 3800, April 1996

PS Form 3800, April 1996

Fold at line over top of envelope to the right of the return address

CERTIFIED

Z 176 916 943

MAIL

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

1. Complete items 1 and/or 2 for additional services.
 2. Complete items 3, 4a, and 4b.
 3. Print your name and address on the reverse of this form so that we can return this card to you.
 4. Attach this form to the front of the mailpiece, or on the back if space does not permit.
 5. Write "Return Receipt Requested" on the mailpiece below the article number.
 6. The Return Receipt will show to whom the article was delivered and the date delivered.

2. Article Addressed to:

Mr. & Mrs. Chung Kuan Hsu
 Budget Trade Show
 510 West 5th Ave
 Escondido, CA 92025

3. Received By: (Print Name)

4. Signature: (Address or Agent)

PS Form 3811, December 1994

SENDER:

1. Complete items 1 and/or 2 for additional services.
 2. Complete items 3, 4a, and 4b.
 3. Print your name and address on the reverse of this form so that we can return this card to you.
 4. Attach this form to the front of the mailpiece, or on the back if space does not permit.
 5. Write "Return Receipt Requested" on the mailpiece below the article number.
 6. The Return Receipt will show to whom the article was delivered and the date delivered.

2. Article Addressed to:

Mr. & Mrs. Chung Kuan Hsu
 Budget Trade Show
 510 West 5th Ave
 Escondido, CA 92025

3. Received By: (Print Name)

4. Signature: (Address or Agent)

PS Form 3811, December 1994

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
 Consult postmaster for fee.

4a. Article Number

Z 176 916 943

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

100200

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-98-3-0229 Domestic Return Receipt

APPENDIX F

May 17, 1999 DEH Letter



County of San Diego

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

GARY ERBECK
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
LAND AND WATER QUALITY DIVISION

P.O. BOX 128261, SAN DIEGO, CA 92112-8261
(619) 338-2222 FAX (619) 338-2377

1999 MAY 24 RICHARD HAAS
ASSISTANT DIRECTOR

May 17, 1999

Mr. John Anderson, Senior Engineering Geologist
Site Mitigation and Cleanup Program
California Regional Water Quality Control Board-San Diego Region
9771 Clairemont Mesa Boulevard, Suite A
San Diego, CA 92124-1324

Dear Mr. Anderson:

UNAUTHORIZED RELEASE #H20329-001
PETROLEUM CONTAMINATED SOIL AND GROUNDWATER
BUDGET TRADE AND GAS, 510 WEST 5TH AVENUE, ESCONDIDO, CA 92025
RESPONSIBLE PARTY HUI MEI (JIMMIE) HSU & CHUNG KWAN HSU

The Department of Environmental Health Site Assessment and Mitigation Program requests your assistance in obtaining compliance from the above-referenced responsible party at the above-referenced site. This is a site that poses both a benzene vapor migration threat to nearby buildings and has already impacted shallow groundwater on the property and a down-gradient property (Formulabs). The groundwater has municipal, agricultural and industrial beneficial uses. The site has not been adequately delineated for extent of both soil and groundwater contamination. There has been no activity on this site since November 1994 despite frequent SAM letters requiring action.

Previously, a Cleanup and Abatement Order was issued on the site (No 90-59) however this Order was later rescinded without achieving compliance. On November 17, 1997, the State Water Resources Control Board withdrew Mr. Hsu's claim due to non-compliance with local agency orders and non-compliance with the terms and conditions of the Letter of Commitment.

The last written correspondence from SAM to Mr. Hsu dated September 17, 1997 required submission of a work plan by October 6, 1997. As indicated above, no work plan has been received. Enclosed for your review is a brief summary and a detailed chronology for this site.

SAM appreciates any assistance you can provide in obtaining compliance from the responsible party. If I can be of any assistance or if you require additional information, please contact me at (619) 338-2257.

Sincerely,

Darryl Fowler, Supervising Environmental Health Specialist
Site Assessment and Mitigation Program

DF:CS:kf:na

cc: Kevin Heaton, SAM

WP/H20329MI

"Prevention Comes First"

Budget Trade and Gas
510 West 5th Avenue
Escondido, CA 92025
#H20329-001

Summary

On 10/10/89 and 10/26/89, DEH issued Official Notices to Jimmy Hsu that an Unauthorized Release had occurred. On 12/22/89, two 10,000 gasoline USTs, one 6000 gasoline UST, and one 8000 diesel UST were removed from the site. By 3/16/90, six borings were drilled and one monitoring well was installed. On 4/25/90, the San Diego RWQCB sent a letter to Mr. Hsu requiring delineation, a workplan for remediation, removal of free product from the water table and monthly reports. On July 17, 1990, the first monthly report of free product removal was received. By September 10, 1990, free product was first discovered in Formulab wells down-gradient of Budget Gas. The San Diego Regional Water Quality Control Board issued a Cleanup and Abatement Order No 90-59 on 10/1/90. A preliminary subsurface investigation report was submitted by Budget Gas on 6/18/91. DEH issued a Corrective Action Order on 10/20/92 restating requirements to complete the delineation and then provide a Corrective Action Plan to remediate the contamination. In May 1993, DEH reduced the monitoring required in response to Mr. Hsu inability to pay for additional investigation. On 12/7/93, Mr. Hsu received a Letter of Commitment from the SWRCB UST Cleanup Fund. On April 14, 1994, DEH issued a work plan approval letter to complete assessment, and do a feasibility test. In September 1994 the pilot test for the feasibility of vapor extraction and air sparging was completed, however, DEH has never received a report on this investigation. In a letter, the SWRCB rejected the three bids for work that Mr. Hsu submitted because the three bids combined work for the soil and water investigation and the remediation phase. On 11/10/94 DEH held a meeting with Mr. Hsu and his representatives to go over items that were required to complete the corrective action investigation. DEH received what turned out to be the last report on work completed on the site dated 12/22/94. This report covered groundwater sampling and free product recovery. On 11/16/95, DEH met with Mr. Hsu to go over items necessary to complete the investigation. In February 1996 DEH sent a letter requesting an update on site activities. In a letter dated 5/8/97, the CSWRCB notified Mr. Hsu of the State's intention to withdraw the Letter of Commitment since no significant corrective action had occurred since 1994. In a letter dated September 17, 1997, DEH notified Mr. Hsu that a work plan had not been received and required a response from Mr. Hsu by October 6, 1997. On 11/17/97 the SWRCB notified Mr. Hsu that the UST Tank Cleanup Fund had withdrawn Mr. Hsu's claim due to non-compliance with local agency orders and non-compliance with the terms and conditions of the Letter of Commitment. In August 1998 DEH met with the RWQCB to pursue re-activating the Cleanup and Abatement Order for the site and in September 1998 the RWQCB indicated that the C&A was rescinded and RWQCB would take no further enforcement action. SAM began preparing a chronology of the site as the first step in preparing a court case. The last communication for this case occurred 10/27/98 when Mr. Mao, acting as the advisor for Mr. Hsu, telephoned DEH. DEH advised him to submit a workplan to complete the site assessment. DEH, as of May 13, 1999, has received no work plan or further communication from Mr. Hsu or his representatives on this site.

Budget Trade and Gas
510 West 5th Avenue
Escondido, California 92025

Chronology BUDGET TRADE AND GAS H20329-001

DATE	TITLE OF REPORT OR PARTICIPANTS TO MEETINGS, E-MAIL, FACSIMILES, OR TELEPHONE CONVERSATION	EXPLANATION
File 1		
10/10/89	DEH Unauthorized Release UST Report to RWQCB by Susan Pease, HMMD	Notification that leakage was detected during plan check
10/10/89	DEH Official Notice, to Mr. Hsu, by Susan Pease (SP), HMMD	Notifies responsible party of corrective action requirements
10/11/89	DEH Monitoring well, soil boring inspection form by Dave Berquist, HMMD and referral to SAM for fuel saturated soil	During inspection of new well, free product was noted in a well within the tank excavation
10/10/89	DEH well permit	1 well and 3 borings were permitted.
10/26/89	DEH Official Notice to Mr. Hsu by S P, HMMD.	Same form letter now based on well drilling information
11/02/89	Report entitled <i>UST Unauthorized Release Contamination Site Report</i> by Donald Sorben for Nachant Environmental, Inc.	Indicates that piping repair was planned.
11/22/89	DEH 'conforms' letter by S P, HMMD, to Jimmy Hsu	Requires update report by 1/8/90 and comprehensive report by 4/8/90
12/19/89	Tele: S P, HMMD to Don Sorben, Nachant Environmental	Drums and free product removed from site, disposal unknown
12/19/89	DEH UST removal application	Probably separated from tank report
12/22/89	DEH Tank closure Report by Susan Pease, HMMD	2 10,000 gas USTs 1 8000 diesel and one 6000 gas UST were removed ponded product was present.
12/29/89	DEH site visit notes by S P, HMMD	Two covered stockpiles of soil were behind neighboring business
1/2/90	Tele: Andy Donan of Nachant Environmental to S P, HMMD Tele: from S P, HMMD to Jimmy Hsu	Nachant personnel observed pumping free product groundwater from excavation into storm drain. They stopped activity and reported it. Sue P called Jimmie Hsu in for a meeting.
1/3/90	Tele: Andy Donan to S P, HMMD	Product piping will be removed.
1/5/90	DEH meeting Jimmy Hsu attended as well as S P, HMMD, Jim Frank, HMMD and Jim Munch, RWQCB	Discussed site assessment responsibilities. Also notes on site visit-setting new Jojo tanks.
1/28/89	Letter from Jimmy Hsu's neighbor Edward Babcock	Authorizes placement of soil stockpiles on property
1/8/90	DEH well permit for 4 wells	
1/18/90	DEH site visit S P, HMMD	Observed new product lines installed old were removed
1/30/90	Letter from Nachant Environmental, to S P, HMMD	Tank pit was overexcavated and 4 new tanks installed in excavation.
2/5/90	Tele from Andy Franks to S P, HMMD	Free product was reported to have been removed from well on Friday evening. Mr. Hsu denies it happened.
2/5/90	Tele: S P, HMMD to J. Hsu	S Pease asked J. Hsu to decide on a consultant since the contamination from his site was interfering with the cleanup on the Formulab site.
2/8/90	DEH letter from S. Pease to J Hsu	Past due notice Requires removal of free product from MW1 biweekly, delineation of contaminated soil, groundwater and free product.

2/12/90	Letter from Terrell A. Quealy, Higgs, Fletcher and Mack, Attorneys at Law (HFM)	They are in the process of obtaining the specifications for a site assessment and if DEH has questions contact them.
2/28/90	Letter from Nachant Environmental Inc. (NEI)	A site assessment report is being written and no future activities are planned.
2/28/90	Letter NEI to S P, HMMD	NEI submitted a report of activities through 2/90 and have no further plans
3/15/90	Facsimile of letter T. Quealy, see above Letter follow-up of facsimile	Report is overdue, waiting for Nachant Environmental to deliver it.
4/11/90	Tele from Andy Donan, Nachant to S. Pease	Explained that lawyers had revised report hence the delay.
3/16/90	Report entitled Preliminary Site Assessment prepared by Nachant Environmental Inc. NEI	October 11,-12, 1989 NEI installed 6 borings and one monitoring well. Trenches around the tank pit and the pump islands were excavated and soil samples taken. Five monitoring wells were installed onsite (1/2/90) but only MW-1 was developed and purged for sampling. Less than 1/16" or " can't tell, of free product in MW1 the other wells had none.
4/16/90	Letter from T. Quealy, HFM to S P, HMMD.	Enclosed is the PSA prepared by Nachant
4/25/90	Letter from CRWQCB, San Diego Region, to Mr. Jimmy Hsu	In accordance with Cal water Code 13267 Mr. Hsu is required to delineate the extent of soil and groundwater contamination, workplan for remediation, remove free product, monthly reports
4/ 6/90	Report entitled <i>Proposal to conduct a Preliminary Subsurface Investigation</i> dated April 6, 1990 by Applied Geosciences, Inc. to Higgs, Fletcher & Mack(HF&M) .	Proposal to assess groundwater quality, gradient and extent of FH impacted soil. Two copies or two separate submittals?
5/ 4/90	Letter to S P, DEH from T Quealy, HF&M	Acknowledges receipt of 4/25/90 RWQCB letter. Financial difficulties have delayed the start of the Applied Geosciences recommended assessment.
5/10/90	Letter HF&M to Mr. J Hsu	Outlines the services for monthly removal of free product.
5/16/90	Letter to J Munch, RWQCB from HF& M	Enclosed the previous proposal to remove free product.
5/24/90	Tele from J Munch to S P, HMMD	Proposal does not include removal of free product from Formulab wells.
6/6/90	Letter HF&M to J Munch	Enclosed proposal for additional work (Applied Geosciences see above) a copy of the PSA by Nachant and a copy of certain soil samples analyses
7/17/90	Letter HF&M to J Munch	You will shortly receive AG monthly monitoring report
7/17/90	AGI report entitled <i>Monthly Monitoring Report</i>	Pages 1-4 of report monitored on a weekly basis, 4 oz were removed on 6/15 and 7/2 from MW1
7/18/90	Letter Barry M. Temple, Applied Geosciences to J Hsu	Disposition of fuel hydrocarbon impacted soil.
7/18/90	Letter and report from AGI to J Munch entitled <i>Disposition of fuel hydrocarbon impacted soil excavated from Budget Trade and Gas</i>	400 cubic yards of soil are requested to be disposed at a local landfill. Laboratory data is attached.
8/13/90	Report Monthly Monitoring Report July 1990 prepared by Applied Geosciences Inc. (AGI)	Free product is present in Mw1, F-MW1 and Fmw2
8/13/90	Letter HFM to J Munch and S P, HMMD.	Cover letter for the July 1990 free product report.
8/24/90	Letter from AGI to S P, HMMD entitled <i>Additional Information Regarding Stockpile soil sampling at Budget Gas</i>	Response to questions of S Pease

8/13/90	DEH /RWQCB letter	Letter authorizes 400 cubic yards of soil disposal at San Marcos landfill
8/30/90	Letter HFM to J Munch and S P, HMMD	Enclosed another copy of the July free product report and requests a modification of the free product schedule since less free product was being encountered.
8/30/90	Letter HFM to J Munch and S P, HMMD	Requests free product removal schedule be amended to allow biweekly bailing and deletion of F-MW2 (Includes a second copy of the July Free product report. Check file again aren't they on biweekly now?
9/4/90	Letter DEH by S. Pease to J. Hsu	Request to exclude F-MW2 is denied. Based on the groundwater flow, the most likely source of the contamination observed in F-MW1 and F-MW2 is from the Budget Gas site.
9/10/90	Letter from Benedict D. Fabian, Ph.D. Formulabs to Munch and S P, HMMD.	Before February 2, 1990, no free product had been observed in any of their monitoring wells which they say is well documented in the DEH files. They conclude that Budget Gas's remediation efforts are inadequate.
9/13/90	Letter AGI to HFM subject Report on Monthly Monitoring Report for August	Enclosed is the August monthly monitoring report (report is missing or out of order)
9/13/90	AHI report Monthly Monitoring report August 1990	Free product is present in one of the five existing monitoring wells ranging from 0.14 to 0.18 feet.
9/18/90	Facsimile from HFM to S Pease Includes revised proposal by AGI.	J Hsu did not sign contract with AHI because he has no money. Drill borings and install gw wells, survey, develop and sample monitoring wells. Prepare report
10/1/90	Letter from CRWQCB San Diego Region to J Hsu entitled <i>Cleanup and Abatement Order No. 90-59</i>	Requires removal of free product, assessment and remediation by specified dates.
10/23/90	Letter from HF&M to Arthur L. Coe, CRWQCB-SD	Mr. Hsu has expended both effort and money to comply. Attached is a declaration of the financial burden from the contamination and also sets forth his inability to proceed with the assessment and cleanup due to lack of funds.
10/31/90	Letter from HF&M to A. Coe CRWQCB	Enclosed is the executed original of Mr. Hsu declaration of Chung-Kwan Hsu regarding financial condition signed by J Hsu.
12/3/90	Letter AGI to HFM entitled Proposal to perform groundwater recovery and monitoring activities and regulatory agency reporting at Budget Trade and Gas	Proposal to design, permit, install and operate an interim groundwater recovery system. S Pease's comments, nothing said about delineation, only two quarters of gw monitoring and only one well hooked up to the system
12/5/90	Letter and proposal from HFM to J Munch	Monetary obstacles prevent Mr. Hsu from be able to comply with the Cleanup and Abatement Order. AHI proposal is dated 12/3/90 see above, discusses installation & operation groundwater recovery system, quarterly groundwater sampling, and reports.
12/17/90	Tele from Jim Munch to S Pease	Amendment to C&A, pumping system needs to be on line within 30 days of stated dates.
1/10/91	HF&M to J Munch	Update on progress. Mr. Hsu does have 57,547 for a interim recovery system.
	END OF FILE #1 BEGINNING OF FILE #2	

4/5/91	Meeting with Kathleen Wahlberg, HMMD, John Menatti, HMMD, Jim Munch, San Diego RWQCB, Jimmy Hsu, owner, Teri Quealy, Higgs, Fletcher & Mack	Discussed HMMD review of proposals for work. Jim Munch indicated RWQCB will recommend Civil Liability (as per Water Code) because of failure to comply. To be used as a hammer so if C&A isn't followed the hammer will fall and fines will be assessed. Discussed co-ordination with Formulabs to do the clean up.
4/2/91	Transmittal of the following two letters	
4/2/91	Letter entitled Proposal to perform groundwater recovery and monitoring activities and regulatory agency reporting at Budget Trade and Gas. (this may have been delivered in the meeting).	Objective of proposal is to implement interim groundwater removal and assess presence of contamination in groundwater monitoring wells.
4/2/91	Letter entitled Revised Proposal to Conduct a Preliminary Subsurface Investigation at Budget Trade & Gas (this may also been delivered in the meeting).	Objective of proposal is to provide a preliminary assessment of water and soil west of site.
4/10/91	Fax from Kathy Wahlberg to Jim Munch	Draft of letter for his approval
4/17/91	HMMD letter to Terrell A Quealy of Higgs, Fletcher & Mack	Required free product recovery, lists comments on the preliminary subsurface investigation, required a timetable.
4/26/91	HMMD well permit	Approved permit for two wells and four borings
5/16/91	Letter from Lewis, D'Amato, Brisbois, Bisgaard (LDBB) to James Munch, SD RWQCB and Kathy Wahlberg (Wahlberg) HMMD	Law firm was retained to assist Mr. Hsu. Clean Up and Abatement Order No 90-59 required full and complete report characterizing the vertical and horizontal extent of petroleum contamination by 6/1/91. Advised that the report would not be available until 6/14/91.
6/18/91	Letter from LDBB	Submits Preliminary Subsurface Investigation Report and requested a meeting after review.
6/17/91	Report entitled <i>Preliminary Subsurface Investigation</i> prepared by Applied Geosciences Inc.	Groundwater monitoring wells JHB5 and JHB6 were installed and existing wells were surveyed for water table elevation (at approximately 5 feet bgs). Groundwater flow in westerly direction determined. Free product was present in F-MW2 and MW1. Petroleum contaminated soil between 4 and 10 feet bgs. Extent to the west and northwest is undetermined. Concludes that contamination is from an off-site source and that the free-product in Formulabs well F-MW2 is not likely to be from migration from Budget Gas
7/17/91	Meeting represented: Higgs, Fletcher and Mack, Lewis, D'Amato Brisbois and Bisgaard, Applied Geosciences Inc., Luce Forward Hamilton & Scripps, Formulabs, Geocon Environmental Consultants, SD RWQCB, & HMMD	Meeting Notes are not in the file
7/17/91	Report entitled <i>DRAFT Notes Regarding the Occurrence of Phase-Separated Hydrocarbons at Formulabs and Budget Trade and Gas</i> prepared by Applied Geosciences Inc.	Presents information to conclude that greater free product is present in Formulabs MW-2 than in Budget Gas MW-1.
9/13/91	Letter from LDB&B to Kathleen Wahlberg HMMD	Copies enclosed for the transport and disposal of soils during tank removal and drilling to San Marcos Landfill characterized as 'mixed dirt'.
9/17/91	Letter from Duke, Gerstel, Shearer & Bregante (DGSB) to Sheila Plute, HMMD	Request to speak to HMMD employee handling the Budget Gas file.

9/23/91	Letter from DGSEB to Kathy Wahlberg, HMMD	Lawyers representing Escondido Saw Works at 528 West Fifth Avenue, Escondido, CA requested that cleanup of contaminated soil on Escondido Saw Works which has migrated from Budget Gas.
9/20/91	HMMD Permit Application	Permit for one groundwater well.
9/26/91	Meeting notes attended by Kathy Wahlberg, John Menatti, HMMD and Jim Munch, RWQCB	Budget Gas is responsible for all hydrocarbon cleanup including Formulabs MW1 and MW2, set cleanup standards for soil and water, remove free product in all wells, recommend excavation of contaminated soil etc.
11/5/91	Letter from Kathleen Wahlberg, HMMD to Mr. Hsu	Budget Gas is responsible for the remediation of all petroleum hydrocarbon contamination including Formulabs property, set cleanup standards, required weekly free product removal recommends excavation of the contaminant source soil etc.
11/18/91	Letter from Applied Geosciences Inc. to Department of Health Services	Included copies of manifests for water and gasoline recycling at Demmeno Kerdoon
End of Phase 2 - Start of Phase 3		
11/08/91	Report entitled <i>Report on Groundwater Sampling for the Period July through September 1991.</i>	Oct 16, 1991 observation indicated 0.5 feet of free product in F-MW2 and all other wells had none. Only MW2 had high benzene (2500 ug/l).
11/26/91	Report entitled <i>Report on Additional Subsurface Investigation</i> prepared by Applied Geosciences, Inc.	Three borings JHB7, JHB8, JHB9 and one well (JHB7) were installed. No waste oil tank was found. Seven soil samples were collected 10/04/91 and one gw sample was collected from JHB7. Propose going to biweekly free product removal and excavation of soil from USTs to west (Escondido Saw Works).
12/31/91	Letter from Applied Geosciences, Inc to Kathleen Wahlberg, HMMD	11/8/91 a vacuum truck was used to remove free product from F-MW2. Proposed to change to monthly free product removal.
01/03/92	Telephone KW, HMMD to Steve Blanchard, Applied Geosciences	Left message to call
01/06/92	Telephone KW, HMMD to Steve Blanchard (SB), Applied Geosciences	Left message to call, second call KW told him of concerns circled in red on 12/13/91 notes
01/06/92	Telephone KW, HMMD to Jim Munch (JM), RWQCB	OK to monitor monthly, JM will need to write a formal letter changing the C&A
01/21/92	Telephone SB Applied Geosciences to JM, RWQCB	Free product found in MW7 go back to weekly free product removal
01/21/92	Telephone KW, HMMD to JM, RWQCB	Characterize the product, consider down-gradient monitoring beyond MW7 continue weekly monitoring and removal of free product.
1/31/92	Facsimile SB, Applied Geosciences to KW, HMMD	Map showing proposed boring (in suspected waste oil tank location), proposed well west of residences and proposed hand augering locations in the utility trenches in the alley.
2/3/92	Report entitled <i>Report on Groundwater Sampling for the period October through December 1991</i> prepared by Applied Geosciences, Inc.	As of 1/17/92, MW1 had 0.01', F-MW1 had sheen, F-MW2 had 0.01', JHB7 had 0.02' fp. As of 1/7/92, only MW2 had high benzene (1500 ug/l) others were non detect or low.
3/10/92	Telephone SB, Applied Geosciences, to KW, HMMD	Status update, he was still getting bids to excavate soil around the USTs

3/20/92	Telephone SB, Applied Geosciences, JM, RWQCB and KW, HMMD	No company would bid on the excavation work because of proximity to USTs and building foundation. Suggests a Vapor Extraction System pilot test. KW requires that a workplan to justify VES with pump tests and vapor vacuum tests,
3/23/92	KW, HMMD reviewed 2/3/92 Report, compiled monitoring well log	
3/25/92	Telephone SB, Applied Geosciences to KW, HMMD	They will apply for Class III soil disposal
4/15/92	Telephone Barry Temple, PIC to Carol Spangenberg, (CLS) HMMD	Directed him to prepare a workplan to cover items discussed in meeting.
4/23/92	Telephone: Wade Sanders, lawyer for Jimmie Hsu and CLS, HMMD	He was putting together settlement suits against Wright Oil and Chevron.
4/14/92	Fax Transmittal to Jim Munch, RWQCB from CLS, HMMD	Faxed JM a copy of the file work sheet log of telephone calls.
Redacted section		
4/8/92	Letter from WS, ZPAGS to KW, HMMD Needs to be refiled in date order	Enclosed copies of the complain and cross-complaint filed in the matter of Babcock V. Hsu. Formulabs, Chevron Oil(Gulf), Mr. Smith and San Diego Trust Bank were served with the cross-complaint.
4/16/92	Letter from WS, ZPAGS to KW, HMMD	Enclosed results of the title search to identify former owners.
4/20/92	Letter WS, ZPAGS to KW, HMMD	Mr. Hsu expects to obtain the necessary funds from the State Fund to complete the full cleanup.
4/29/92	Report entitled <i>Report on Groundwater Sampling for the Period January Through March 1992</i>	Thirteen rounds of free product removal were conducted and 4/20/92 F-MW2 contained 0.01 feet of fp. JHB7 and MW2 contained high concentrations of benzene.
5/5/92	Letter from Wade Sanders of Zybelman, Paluso, Alter, Graham and Sceper (ZPAGS) to CLS, HMMD	Requests a meeting because "Mr. Hsu's financial resources are running near empty"
6/10/92	Letter from Wade Sanders, ZPAGS to Christopher J. Maxin, Applied Consultants, cc to CLS, HMMD	Request for work plan bid.
6/10/92	Letter from Wade Sanders, ZPAGS to Robert Masterson, Woodward-Clyde Consultants	Request for work plan bid.
6/10/92	Letter from Wade Sanders (WS), ZPAGS to Karen Brown, Deep, Inc.	Request for work plan bid.
6/16/92	Letter ZPAGS entitled <i>Table 1 draft summary of tasks/steps needed for site closure</i>	Outlines general requirements for completing site assessment, remediation and verification sampling.
6/16/92	Fax from SB, Applied Geosciences, Inc. subject: Additional Free Product Data	Additional data for May 1992 showed no free product for May for MW1, F-MW1, FMW7 abd 0.01 in F-MW2 (JHB7 well was inaccessible)
6/16/92	Telephone between Craig Carlisle, Applied Geosciences and CLS, HMMD	CLS had asked for current free product data and discussed remediation in contaminated area where new tanks were set.
7/14/92	Letter from WS, ZPAGS to CLS, HMMD	WS makes requests to have sampling and monitoring activity reduced because Mr. Hsu is experiencing financial problems.
7/16/92	Meeting between JM, RWQCB and CLS, HMMD	JM agrees to relax removal of free product to once a month as long as there are no wells containing free product.
7/16/92	Telephone CLS, HMMD to WS, ZPAGS and telephone CLS, HMMD to Craig Carlisle, Geosciences.	Left messages

7/17/92	Telephone CLS, HMMD from WS, ZPAGS	Relayed message from JM regarding change in monitoring frequency and asked when workplan would be sent and about beginning Formulab quarterly monitoring.
8/3/92	Letter: WS, ZPAGS to CLS, HMMD	Confirmed telephone conversation that free product monitoring was modified to monthly.
8/3/92	Telephone: CLS, HMMD to WS, ZPAGS	Left message
8/4/92	Letter : WS, ZPAGS to Larry Smith, Shewey Environmental, cc to CLS, HMMD	Request for workplan bid.
8/4/92	Letter WS, ZPAGS to Robert Masterson, Woodward-Clyde cc to CLS HMMD	Follow up to 6/10/92 letter requesting bid.
8/4/92	Letter WS, ZPAGS to Karen Brown, Deep, Inc cc: to CLS, HMMD	Follow up to 6/10/92 letter requesting bid.
8/4/92	Letter: WS, ZPAGS to Christopher J. Maxin, cc to CLS, HMMD	Follow up to 6/10/92 letter requesting bid.
9/8/92	Telephone: Barry Temple, PIC to CLS, HMMD	Discussed requirements for proposed workplan.
10/12/92	Telephone: CLS-HMMD to Corey Walsh, RWQCB	Left message to call
10/14/92	Telephone: CLS-HMMD to Corey Walsh, RWQCB	What action did the RWQCB plan to take on the Cleanup and Abatement Order
10/14/92	Telephone: John Menatti, HMMD to Jim Munch, State Water Resources Control Board?	Did Jim Munch see a problem with HMMD sending out a Corrective Action Order when the RWQCB had a C&A. Not a problem.
10/20/92	Letter from Ken Calvert, HMMD to Hui-Mei C. Hsu entitled <i>Corrective Action Order</i>	Provide a workplan by 12/15/92 to complete the delineation of free product, dissolved petroleum groundwater and contaminated soil. By 6/1/93 provide a detailed Corrective Action Plan.
10/20/92	Letter from WS, ZPAGS to CLS, HMMD	Applied Geosciences has been replaced on site by Deep, Inc. to conduct the monitoring and free product removal.
10/22/92	Telephone from CLS-HMMD to WS, ZPAGS	Advised that the CAO was sent out and that no update had been received since August.
10/22/92	Telephone from Barry Temple, PIC to CLS, HMMD	He doesn't have a contract to remove free product monthly.
11/02/92	Telephone from Barry Temple, PIC to CLS, HMMD	CLS gave him TOC elevation data so he could prepare groundwater report. He said he was denied access to the Sawworks well.
12/16/92	Meeting: CLS-HMMD and WS, ZPAGS at the SA/M Annual Update Meeting	WS asked what he could do to help on the Budget Gas site. I said they needed to comply with the Corrective Action Order.
2/8/93	Telephone: WS, ZPAGS and CLS, HMMD	HMMD is considering a court case. When do they plan to comply with the 10/20/92 CAO?
2/9/93	Telephone: CLS, HMMD to WS, ZPAGS	WS said he was not aware of the CAO, he said Mr. Hsu had no money.
2/9/93	Letter entitled Corrective Action Order dated 10/20/92 was remailed to Mr. Hsu c/o WS, ZPAGS and to Mr. Hsu at 510 W 5 th Ave, Escondido sent certified	Action taken because WS said he was unaware of the CAO
2/9/93	Letter entitled Corrective Action Order dated 10/20/92 faxed to WS, ZPAGS	Action taken because WS said he was unaware of the CAO
2/9/93	Telephone CLS, HMMD and Barry Temple, PIC	Draft groundwater monitoring report was sent to Mr. Hsu and lawyer.

2/10/93	Letter from WS, ZPAGS to CLS, HMMD with enclosure Report entitled <i>Draft Quarterly Groundwater Monitoring and Sampling Report</i> prepared by PIC Environmental Services dated 11/23/92.	Mr. Hsu cannot do much more than some sort of stopgap free product recovery. Can HMMD force Escondido Saw Works to permit entry to monitor the well? CLS Note Report not reviewed, waiting for final.
2/10/93	Report entitled <i>Quarterly Groundwater Monitoring and Sampling Report</i> prepared by PIC Environmental Services.	Free product was collected from MW3, MW4, MW5 thickness was less than or equal to 0.04 feet. Highest benzene concentration was 381 ppb in MW2. Proposes additional down-gradient wells.
2/23/93	Telephone CLS, HMMD to WS, ZPAGS	Does Mr. Hsu have to be bankrupt before we relax our requirements? HMMD asked for evidence of financial situation, propose alternatives that he could comply with, free product removal must continue, and if neighbor did not respond in a reasonable time, RWQCB or HMMD would prepare a letter.
2/18/93	Letter from WS, ZPAGS to CLS, HMMD	Alison Garcia of the State Cleanup Fund advised that funds would be ready in mid-1994 and that a six-month monitoring program may be realistic and affordable.
2/18/93	Telephone CLS, SAM to WS, ZPAGS	WS should write letter request permission to monitor Saw Works well, 6 month schedule is ok after we have a baseline of a year, comply with the CAO or request extension in writing.
3/1/93	Letter from WS, ZPAGS to CLS, SAM with enclosure letter from WS to Carl Pinamonte.	Letter to Carl Pinamonte requests access to monitor well on property. CLS notes wait two weeks for response then discuss with RWQCB
3/9/93	Letter from WS, ZPAGS to Karen Brown, Deep, Inc. cc to CLS, SAM	To gain access to the well, contact Carl Pinamonte or his son.
3/17/93	Telephone CLS, SAM to WS, ZPAGS	Reviewed what is required in order of importance. Top priority was continue removal of free product, prepare workplan for interim remedial action, complete delineation, include Formulab wells in quarterly groundwater monitoring.
3/29/93	Letter WS, ZPAGS, to CLS, SAM	J Hsu is preparing summary of assets/expenses and WS is obtaining cost estimates for work in CAO
3/31/93	Telephone CLS, SAM to Craig Carlisle, Applied ---	Discussed removal of free product, soil removal (IRA) groundwater monitoring, monthly updates, delineation.
4/7/93	Letter WS, ZPAGS to CLS, SAM	Mr. Hsu is unable to spend any more money.
4/21/93	Telephone WS, ZPAGS to CLS, SAM	WS had all of Mr. Hsu's financial papers, he had not received bids on complying with the CAO.
4/22/93	Letter WS, ZPAGS, to CLS, SAM with San Diego First Bank personal financial statement and balance sheet from Susan E. Schneider, CPA	Mr. Hsu's liabilities exceed his total assets.
4/22/93	Meeting CLS and John Menatti, SAM	Plan a site visit to evaluate risks to public health and safety then write letter.
4/26/93	Telephone CLS, SAM and Joe McWalters, RWQCB	Asked about action on the C&A
4/27/93	Site Visit John Menatti, CLS, SAM	Low risk from gw migration beyond Formulabs to Escondido Lumberyard and beyond to a Chevron storage facility. Subsurface utilities are shallow and not a likely route of migration, but there could be a threat of vapor migration to the wood frame single story houses.
4/27/93	Telephone CLS, SAM to Joe McWalters, RWQCB	Has he reviewed the Budget Gas file yet?
4/26/93	Letter WS, ZPAGS to Karen Brown, Deep, Inc.	Follow up to 3/16/93 letter requesting bid.

4/26/93	Letter WS, ZPAGS to Craig Carlisle, Applied Geosciences, Inc	Follow up to 3/16/93 letter requesting bid.
4/26/93	Meeting CLS and Vickie Church, SAM	Discussion of state review of financially strapped Responsible Parties.
End of File #4 and BEGINNING OF FILE #5		
4/22/93	Letter W. Sanders	Submitted personal financial statement of J. Hsu.
4/28/93	Tele CLS to RWQCB	Try to amend Cleanup and Abatement Order
4/28/93	Applied Geosciences Scope of work	For quarterly groundwater monitoring and interim free product removal
4/30/93	Letter W Sanders submitted Applied Geosciences Scope of Work	
5/3/93	DEH Corrective Action Order remailed	Submit a CAP by 6/1/93 or we will forward this case to the Office of the District Attorney for legal action. (original was not sent certified). CAP required that free product be removed from all wells where present. Monitor FL-MW4 and FL MW7 on Formulab property.
5/19/93	Deep Inc workplan	Workplan for gw monitoring and free product removal.
5/19/93	Tele CLS & J McWalters RWQCB	Discussion on reactivating the C&A
5/17/93	Tele call DEH to Wade Sanders	Explained that DEH reduced the number of gw monitoring wells to be sampled because DEH wanted the limited money available to be used for assessment and remediation.
5/20/93	Letter from Wade R. Sanders	Submits consultant bid for work
6/01/93	Tele: W Sanders & CLS	?explained SAM's position to Jimmie Hsu CAP was due today
6/10/93	Letter W Sanders and ? phone call?	Cannot submit the workplan because can't afford the cost of the workplan. Also no money to prepare a CAP or do gw monitoring.
6/08/93	Letter W Sanders	Copy the lawyer on all correspondence. Discusses litigation against American Economy Insurance Co.
7/29/93	PIC report entitled <i>Quarterly Groundwater Monitoring and Sampling Report</i>	Free product found in MW1, MW3m MW4 & MW5 0.25" -0.5". Recommends continued monthly free product removal benzene in JHB7 was 540ug/l
9/2/93	DEH discussion	On C&A and CAO follow-up what conclusions/
9/7/93	Tele with ??	Verbal postponement of what ?to 8/31/93
9/15/93	E-Mail: John Menatti, SAM to CLS, SAM	Reports on state position regarding substantial compliance
9/14/93	DEH discussion?	Decides to delay enforcement since state was going to fund Budget Gas.
11/4/93	Tele CLS, SAM & Danny Oliver (PIC)	Groundwater report will be delayed.
11/24/93	Tele: CLS, SAM, State Board of Equalization	The date the tanks were removed.
11/22/93	Report entitled Quarterly GW Monitoring and Sampling Report received	Water table at 4.5-6.5 'bgs MW3, MW4, & MW5 had free product .3"-.75" there is a drum of free product on site. benzene from <.05 to 4,400. An unknown well was found on Formulab property??
12/06/93	Tele: Mary Best, lawyer for J Hsu and D Oliver	*MW1 first time analyzed came back non-detect?
12/7/93	Letter from SWRCB to Mr. Hsu entitled <i>Letter of Commitment</i>	Commits SWRCB to reimburse Mr. Hsu for legitimate corrective action costs.
12/13/93	Tele: M. Best & CLS	Advised of current requirement to monthly remove free product
12/15/93	Tele: CLS and J Hsu	Advised him of groundwater monitoring requirements

12/20/93	Tele: Craig Carlisle, Applied Geoscience	Use available funds to begin remediation that is why groundwater monitoring was reduced
12/20/93	Tele: B Fabian, Formulab & CLS, SAM	may need to have a meeting to coordinate groundwater sampling
12/22/93	Tele: CLS, SAM and Craig Carlisle, Applied Hydrogeosciences.	Discussion on map?
1/4/94	Tele: CLS and Barry Temple, Kahl Environment	Free product and groundwater delineation is required.
1/31/94	Tele: CLS, SAM to Rico Pinamante	Wanted to do a file review
2/5/94	Tele: Laura Senate, State Resources Reimbursement Fund	Budget Gas caused the plume what about MW1 being non-detect for BTEX
2/6/94	Tele CLS, SAM and Craig Carlisle, Applied HydroGeosciences	Asked for pilot test
2/10/94	Document entitled Workplan for environmental services and remediation (WESR) prepared by Applied Geosciences Inc.	H&S plan, VE&AS Feasibility test, installation of VE wells, data analysis and remediation system design, preparation of RAP, free product analysis, free product removal, quarterly gw monitoring, disposal of soil & purge water
3/17/94	Fax of Addendum to the Workplan WESR	Modification of Ve and AS feasibility test
3/17/94	Report entitled Addendum to WESR	
3/4/94	Tele CLS, HMMD and S Blanchard, Appl Geos	
3/8/94	Faxed to S. Blanchard, Air Sparging Pilot test checklist	
3/17/94	Tele: CLS and Jim Munch, SWRCB	Based on his involvement in the case believes Budget Gas was at fault for the release at Formulabs
3/18/94	Tele: CLS, SAM & Steve Blanchard	Additional comments to workplan
3/28/94	Tele: CLS, SAM & S Blanchard	Go ahead with 'wet' season monitoring
4/7/94	Tele: CLS to Richard Rolfe, APCD	APCD reviews the AS pilot test
4/14/94	Letter-DEH Workplan Approval Letter	
4/26/94	Tele: CLS & S Blanchard	Infor on doing file review
6/27/94	Tele: CLS, SAM & S Blanchard	They were preparing report on 5/94 groundwater report
7/13/94	Report: on GW Sampling for April through June 1994	PSH in MW3, MW4, MW5, FMW2, FMW7
8/11/94	Tele: CLS, SAM & S Blanchard	First monthly status letter is due in Sept 94 for August
8/2/94	Facsimile	Modification to the workplan and addendum
7/28/94	Tele: CLS and S Blanchard	Problem with gw infiltration
8/4/94	Tele: CLS and S Blanchard	One VE well and one AS well?
8/9/94	Discussion: DEH Kevin Heaton and CLS	No passive venting cap and put on a pressure gauge
8/2/94	Report Modification of workplan	
8/29/94	Tele: CLS and S Blanchard	Planned to drill
8/19/94	Tele: CLS and S Blanchard	Problem of power lines over area of proposed wells
8/22/94	Facsimile S Blanchard	Alternate location for wells
8/29/94	Tele: CLS & S Blanchard	Do not allow ignition activities in business during pilot test
8/22/94	Tele: CLS and S Blanchard	Pilot test safety???
8/30/94	Tele: CLS & S Blanchard	Installed wells on Fri
9/2/94	Report: Second Addendum to the workplan hardcopy	
9/6/94	Tele: CLS & Jim Munch	Based on recent data we conclude that the Formulab contamination caused by Budget Gas
9/12/94	Site visit by CLS, HMMD to 510 W 5 th Ave, Escondido, CA	Observation of pilot test
9/13/94	Tele: CLS, SAM & S Blanchard	

9/13/94	Tele: CLS, SAM & Jim Munch	Unhappy that pilot test was completed before delineation of free product and groundwater delineation must verify that no free product entered the utilities line in alley
9/14/94	Tele: CLS, SAM and S Blanchard	They are evaluating the data from the pilot test
9/19/94	Tele: CLS, SAM & Patrick Wheeler State UST Cleanup fund	Discussed site in general-concern over completion of delineation
9/20/94	Tele: CLS, SAM & S Blanchard	Pump test/discussed coordination of completion of soil and groundwater and free product before remediation begins
9/29/94	Letter: SWRCB to Chung Kwan Hsu	Rejects the three bids submitted, 3 bids are required for the delineation phase, 3 bids for the cleanup phase and Mr. Mao as an advisor, should not have submitted bid from his own firm.
10/12/94	Tele: CLS, SAM and S Blanchard	???
10/12/94	Tele: CLS, SAM & P Wheeler SWBCB	
10/14/94	Tele: CLS & S Blanchard	What did the state letter mean?
10/20/94	Tele: CLS & S Blanchard	To set up a technical meeting to address the state's concerns soil conduits in alley and groundwater monitoring
10/20/94	Tele: c/s John Odermatt RWQCB	Who determines what work is done? The state or the LOP
10/24/94	Tele: CLS & J Odermatt, RWQCB	Invite RWQCB to meeting
11/01/94	Tele: CLS J Odermatt, RWQCB	Does he want to attend meeting?
11/03/94	Tele: CLS & S Blanchard	Discuss meeting agenda, AS feasibility and maps
11/08/94	Discussion DEH w/Kevin Heaton	
11/08/94 DEH w/Kevin Heaton		
11/10/94	Applied Geosciences Inc. letter signed by Stephen W. Blanchard to DEH-CLS	Enclosed an agenda for 11/14, 1997 meeting, two figures, and groundwater sampling results(as of 10/26/94)
11/10/94	Meeting notes, CLS, Gary McCue and Steve Blanchard of Applied Geosciences Inc. and John Odermatt of RWQCB	Discussed existing semi-annual gw monitoring, monthly free product removal, areas requiring assessment, all must be done before a CAP.
11/18/94	Monthly status report for October 1994 for the Budget Trade and Gas facility located at 510 west Fifth avenue in Escondido	Report indicates that free product removal continues on a monthly basis in Budget Gas and Formulab wells.
11/23/94	Tele Steve Blanchard and CLS	CLS asked for more information on the amount of free product removed from each well.
11/23/94	Tele: CLS, SAM to Gary Griffiths, ICP DEH	CLS left message, CLS asked Gary Griffiths to check for on-going releases during next inspection.
11/30/94	Tele: CLS, SAM from Gary Griffiths, ICP (DEH)	He indicated the UST system had single wall piping, CLS asked about a potential new release from the diesel tank system to account for the up-gradient free product in MW4.
12/7/94	Letter entitled <i>Monthly Status Report for November 1994</i> prepared by Applied Geosciences, Inc.	Status report, free product removal from MW3, MW4, MW5, F-MW2, and F-MW7. MW4 is up-gradient.
12/1/94	Copy of the ICP Compliance Inspection Report prepared by Gary Griffiths	Violations for: test the piping (found to be double wall), send proof of insurance, test the alarm system.
12/19/94	Tele: CLS, SAM from John Pfister, RWQCB	He wanted groundwater results for 1993. He will determine how to amend the Cleanup & Abatement Order if they are making a substantial effort to comply.

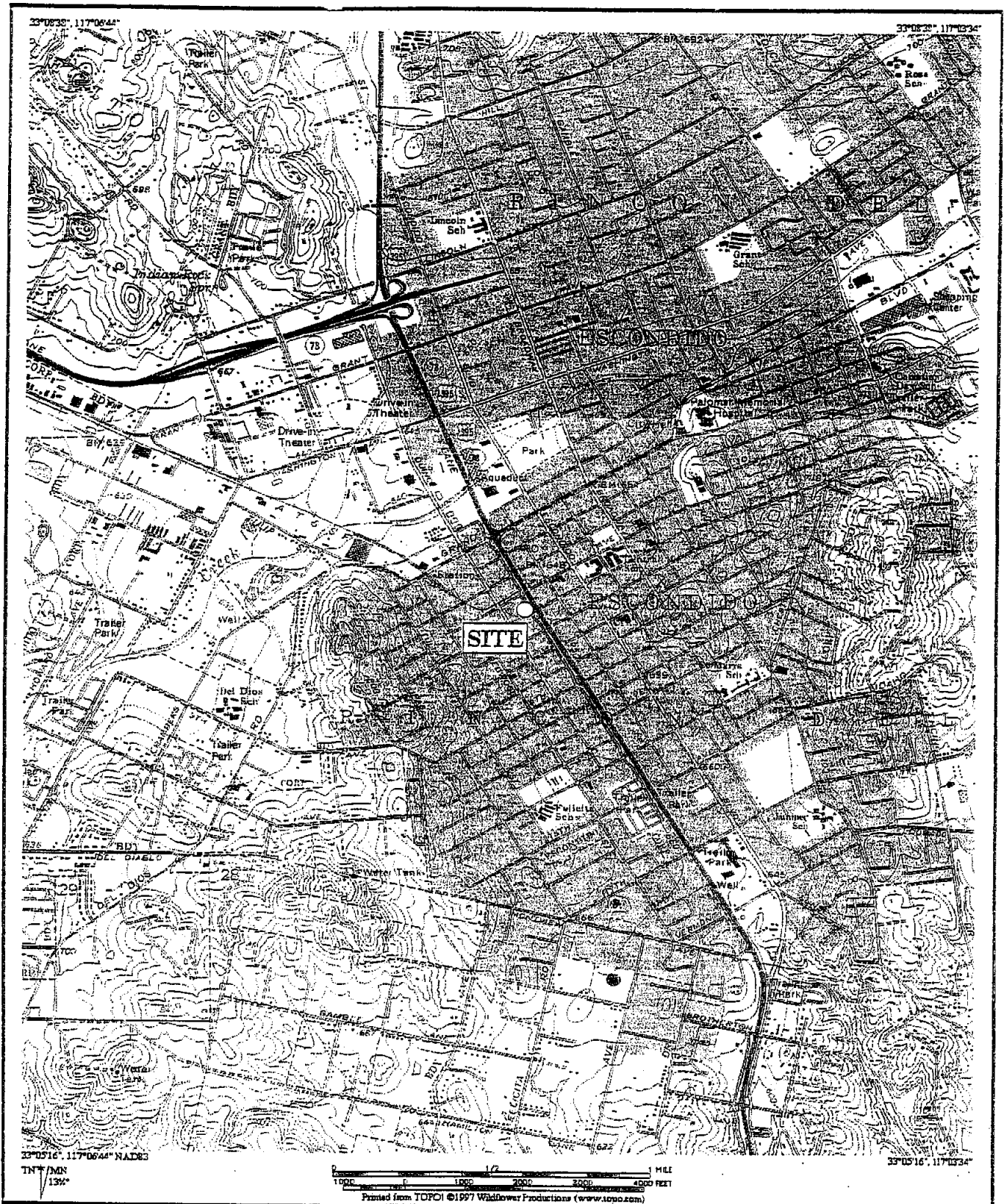
12/22/94	Report entitled <i>Groundwater Sampling and Interim Phase-separated Hydrocarbon Removal July Through November 1994</i> prepared by Applied Geosciences Inc.	Groundwater monitoring well JHB10 and air sparging well JHB11 were installed 9/94. Report proposed continued monthly removal of FP, further assessment of upgradient and crossgradient free product and assess extent of dissolved -phase hydrocarbons west of site. Sheen present in MW1, MW4, F-MW2, F-MW7 and 0.02 in MW3 and 0.25 in MW4.
12/29/94	Tele: CLS, SAM and Steve Blanchard, Applied Geosciences, Inc.	S. Blanchard was putting together a proposal for tank inventory reconciliation and sampling requirements.
1/10/95	Tele: CLS, SAM and SB, Applied Geosciences, Inc.	Discussion on storage of free product, CLS requires submission of workplan to complete the assessment, advised by SB that report on the feasibility study would be submitted in about a month.
1/25/95	Tele: CLS, SAM and John Pfitzer, RWQCB	Question asked by RWQCB, should the C&A be rescinded. CLS advised that a workplan to complete the assessment was expected.
2/14/95	Tele: CLS, SAM and Richard Eglash, Toxguard	CLS reviewed with R. Eglash, items required at the last meeting 11/14/94, copy of meeting notes attached.
4/24/95	Site Visit CLS, SAM and Patrick Wheeler, SWRCB Underground Storage Tank Cleanup Fund	Checked locations of wells, observed area for drums and stockpiles and general condition of site.
5/1/95	Letter from CLS, SAM to Jimmy Hsu, Budget Gas	Past due letter requested update
5/31/95	Letter from Chung Kuan Hsu to CLS, DEH Enclosed a duplicate copy of the 12/22/94 report entitled <i>Groundwater Sampling and Interim Phase Separated Hydrocarbon Removal July through November 1994</i> and a draft proposal by Applied Geosciences for additional site assessment activities.	Describes the interruption of progress because of the departure of Steve Blanchard and K.T. Mao from Applied Geosciences Inc.
6/20/95	Tele: CLS, SAM to Mr. Mao, advisor to Mr. Hsu	Refers to 5/31/95 letter from Mr. Hsu directing correspondence be sent to Mr. Mao. CLS reviewed objectives: complete soil and water delineation, address spread of free product, submit Spring 1995 GW monitoring report, remove free product and check wells monthly, provide monthly updates, follow up the utility survey with confirmation samples, check for chlorinated HC, disposal of purge water, send in workplan.
End of file 7-6 - beginning of file 7		
7/7/95 received 7/11/95	Letter from KT Mao	Refers to DEH letter dated 5/31/95 and a 6/20/95 telephone conversation between CLS and him. Letter reiterates comments in telephone call. Free product monitoring and removal should be continued on a monthly basis. Prepare a CAP after completion of site assessment.
7/18/95	Tele-Richard Egglash, Toxguard	Reviewed current status
11/7/95	Tele-CLS, SAM and KT Mao	Will be monitoring the wells Formulabs and budget gas.
???	Site visit for pilot test	Details on equipment set-up
11/7/95	Fax of letter from KT Mao	Requests a meeting to discuss project.
11/16/95	Meeting CLS, Darryl Fowler, Jimmy Hsu, K.T. Mao, and David Henry	Agreed to complete the delineation of soil and groundwater including utilities, continue groundwater monitoring, (none done this year yet), submit AS/VES pilot test results, check all gw monitoring wells monthly

		for free product, check for western extent of contaminated gw.
2/7/96	E-mail to Chuck Pryatel from CLS	CLS asked that the original C&A be enforced. Sent item by item status report on C&A requirements.
2/15/96	Tele to Assessor's Office	Verified property owner (Hsu)
2/16/96	DEH letter (CLS) to Jimmie Hsu	Past due form letter
7/18/96	Tele from Christiansen at Secor	Asking what is current status? Sent E-Mail to Darryl to ask about doing enforcement.
5/8/97	Cal/EPA letter entitled Notice of Intended withdrawal of Letter of Commitment	Goes over recent history-no significant corrective action since 1994, 2/16/96 past due letter
5/29/96	Discussion CLS and Darryl Fowler, SAM	Discussion on applying new policy of enforcement
6/17/97	Tele to Steve Parade, CLSWRCB UST Cleanup Fund from CLS, SAM	I asked him to put in writing to Mr. Hsu that he was still obligated to clean up site.
6/23/97	Cal/EPA SWRCB letter signed by Harry M. Schueller, Chief, Division of Clean Water Programs, to Budget Gas, entitled Underground storage tank cleanup fund claim no # 601 Budget Gas and Trade final division decision	Letter goes over recent history and agrees with the Fund's decision to withdraw the letter of commitment. He also states that this action does not relieve Mr. Hsu of responsibilities to cleanup as directed by the County...
7/8/97	Fax of letter received 8/6/97, Cal/EPA to Budget Gas, signed by Brian D. Kelley, entitled Pre-Approval of corrective Action Costs, Claim No 601 site address: 510 5 th Ave W, Escondido, CA 92025	Pre-approval for well sampling and PSH bailing, disposal of wastes, laboratory services and report preparation \$7,659.00
8/6/97	Tele from Steve Parade, SWRCB	Steve advised me that they had pre-approved for work. Had I received anything from Mr. Hsu? I told him I had not received anything in more than a year. I agreed to send Mr. Hsu a letter.
8/29/97	DEH letter signed by Clay Clifton	Notified Mr. Hsu of monitoring well deficiencies.
9/17/97	DEH letter to Mr. Hsu from CLS, SAM	Letter refers to the state pre-approval of four quarters of groundwater sampling. No workplan had been received and notified him that free petroleum product must be removed and the soil and groundwater assessment had to be completed. He was to respond by October 6, 1997.
9/18/97	E-mail from CLS to Mary Avastu ICP supervisor	I asked about plans to write an NOV on Budget Gas
10/22/97	Tele from Jim Munch, SWRCB to CLS	I told him I had not received a call or a letter from Mr. Hsu.
1/29/98	Tele from Todd Walsh, ICP to CLS, SAM	Mr. Hsu is complying, at the time, they did not plan to pursue a court case. I told him of my concerns about a possible on-going release because of free product in an up-gradient well.
11/17/97	Cal/EPA SWRCB letter to Mr. Hsu from Dave Deaner entitled Underground Storage tank Cleanup Fund, Claim No 601, Budget Gas and Trade, 510 West 5 th Avenue, Escondido, CA	Notified Mr. Hsu that his claim had been withdrawn due to non-compliance with local agency orders and non-compliance with the terms and conditions of the Letter of Commitment. Reviews recent activity including the lack of response to DEH letter 9/17/97 requiring response in two weeks. If and when Mr. Hsu proposes to proceed with corrective action, the Fund requires a new application.
8/27/98	Meeting: Charles Cheng, RWQCB and CLS, DEH	Met to review case and lack of progress. Charles is going to check the current status of the C&A and see if it can be re-activated, or a new one written.
9/10/98	Tele from CLS, DEH to Charles Cheng, RWQCB	I called to see what progress has been made on reactivating the C&A. The RWQCB will not re-activate

		the C&A.
9/10/98	Letter from John Anderson, SD RWQCB to Joanne Quarles, Bureau of State Audits	RWQCB rescinded the C&A because the San Diego LOP had higher level of resources (staffing and funding) than the RWQCB
10/27/98	Tele from KT Mao to CLS	He asked what he needed to get into compliance. I told him send in a workplan to complete the assessment and then do the work. In the past we have received workplans and no work was done.
Current End to File 7		

APPENDIX G

Site Diagrams



ENVIRONMENTAL
ENGINEERING & CONTRACTING, INC.

Map Source: U.S.G.S. 7.5-minute topographic quadrangle maps - Escondido, CA 1968 photorevised 1975

SITE LOCATION MAP
Budget Trade and Gas
510 West 5th Avenue
Escondido, California

File:
S770MAP

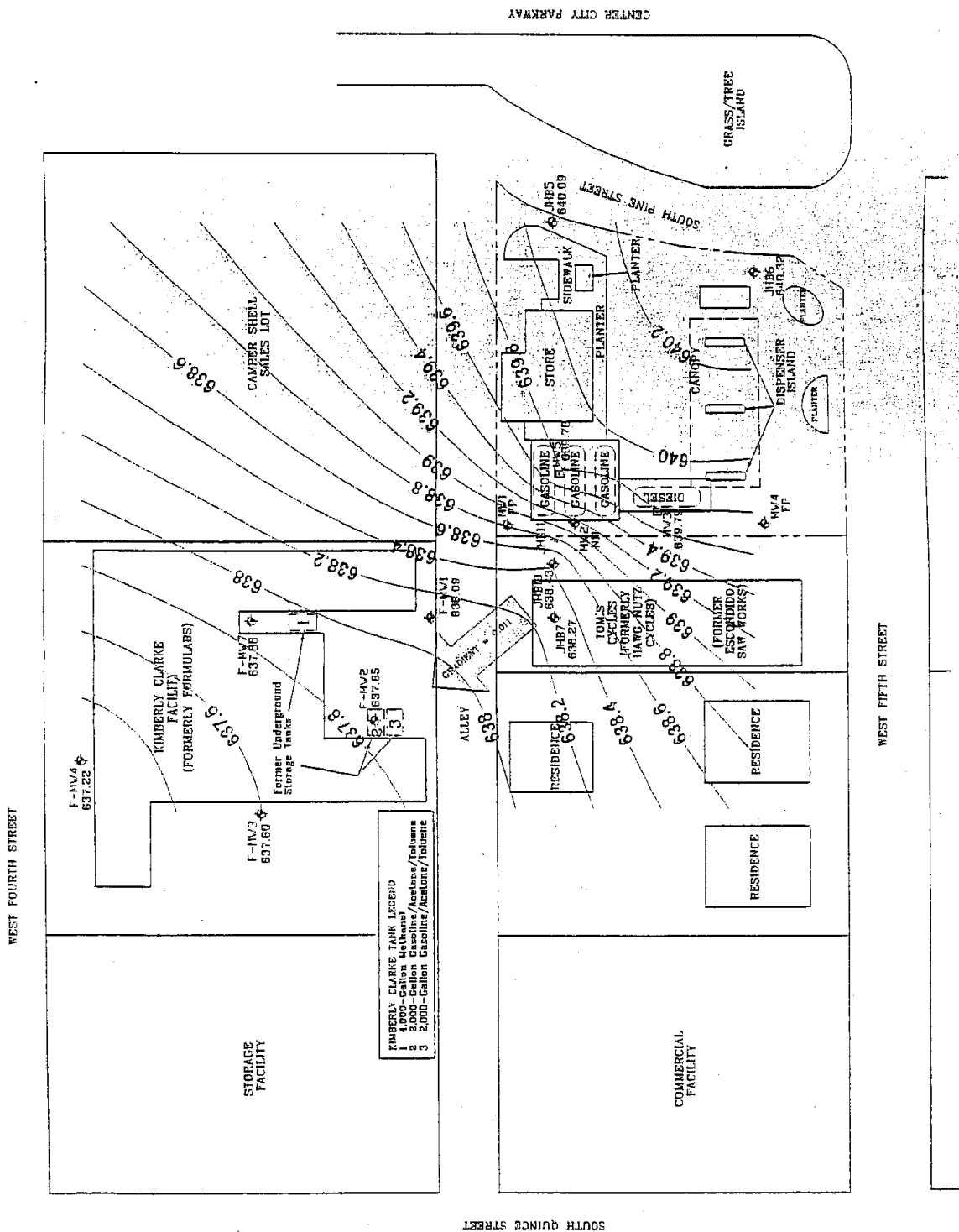
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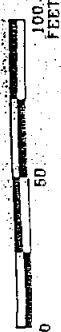
R.G./P.E.
MTZ

Project No.
S770-1

Figure
1



APPROXIMATE SCALE



GROUNDWATER FLOW DIRECT

June 20, 2000

Budget Trade and Gas
510 West 5th Avenue
Escondido, California

Project Number: ESD

1-0225

July 17, 2000

Legend

4-1187

10

2. JHB11

GASOLINE

GROUNDWATER MONITORING WELL
AND RELATIVE GROUNDWATER ELEVATION

GROUNDWATER MONITORING WELL INSTALLED IN THE UST EXCAVATION

DUAL VADOSE / AIR SPARING WELL

UNDERGROUND FUEL STORAGE TANK

SITE PROPERTY LINE

CENTAL

PE/RG:

MTZ

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. 2000-256
BUDGET TRADE & GAS
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

1. On November 21, 2000, the Regional Board Executive Officer issued Complaint No. 2000-256 to Mr. & Mrs. Hsu for their failure to submit a required technical report. The required report was a corrective action plan for remediation of ground water contamination from the Budget Trade & Gas facility, due September 1, 1999.
2. Complaint No. 2000-256 proposed that an Administrative Civil Liability be imposed by the Regional Board on Mr. & Mrs. Hsu for violations of a June 9, 1999 California Water Code (CWC) Section 13267 letter that requested the technical report.
3. Complaint No. 2000-256 alleged that Mr. & Mrs. Hsu violated the CWC Section 13267 request by failure to submit the technical report by the due date.
4. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 2100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulation.
5. The Regional Board has considered the factors specified in Water Code Section 13327 in determining the amount of civil liability.

IT IS HEREBY ORDERED, that, Administrative Civil Liability be imposed on Mr. & Mrs. Hsu in the amount of \$146,500.

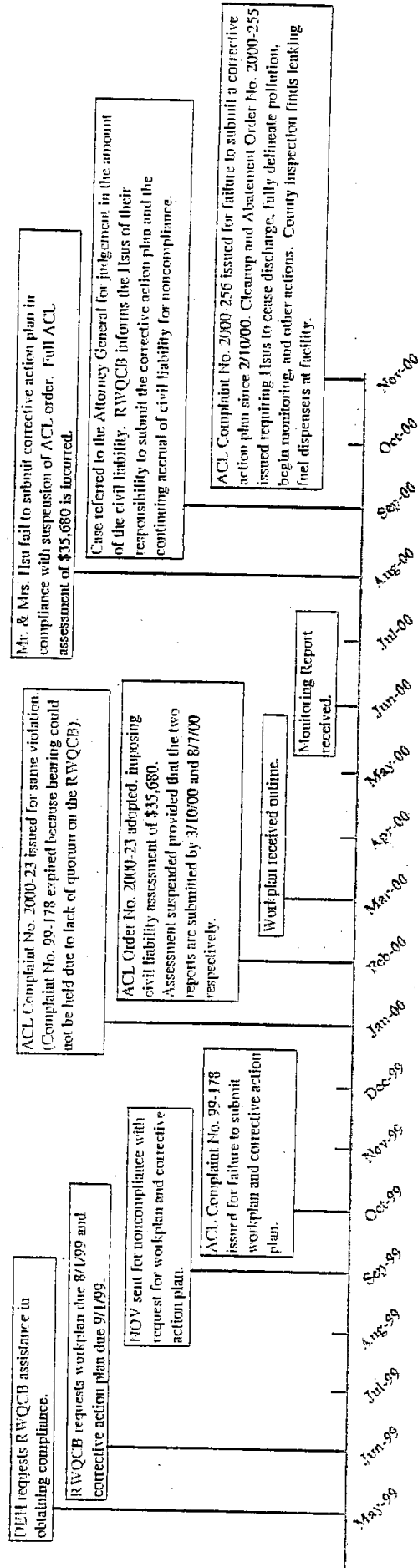
I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on December 13, 2000.

JOHN H. ROBERTUS
Executive Officer

JHR:jac:sjp

c:\hsutentac\2000-256a

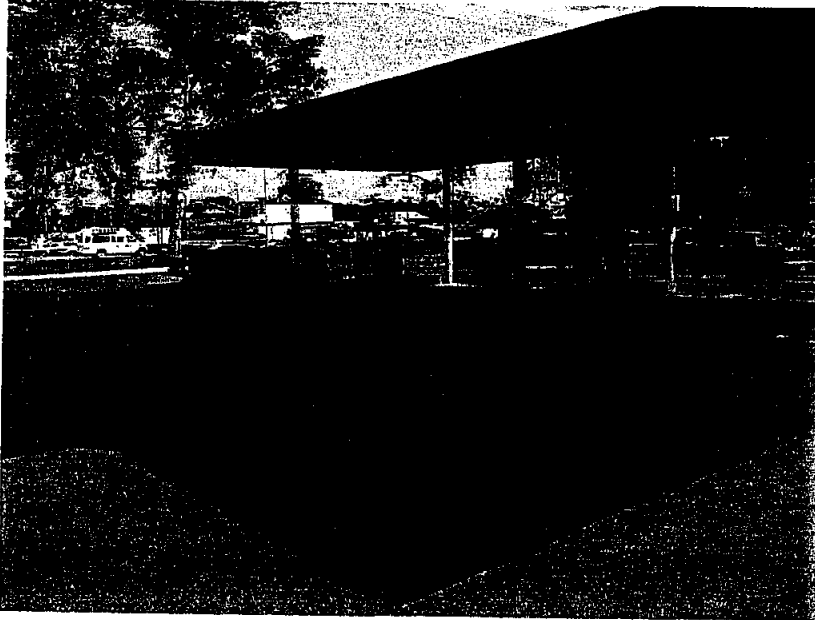
TIMELINE OF SIGNIFICANT ENFORCEMENT ACTIONS AGAINST MR. AND MRS. HSU SINCE MAY 1999



BUDGET TRADE & GAS
510 WEST 5TH AVENUE
ESCONDIDO, CA.

PHOTOGRAPHS FROM SITE VISITS ON OCTOBER 24, 2000 AND
NOVEMBER 27, 2000

October 24, 2000



- Fuel islands facing southeast
- Pumps # 1/2, #3/4

October 24, 2000



- West fuel island
- Pumps #5/6
- Absorbent material next to diesel dispenser
- Fuel staining on concrete

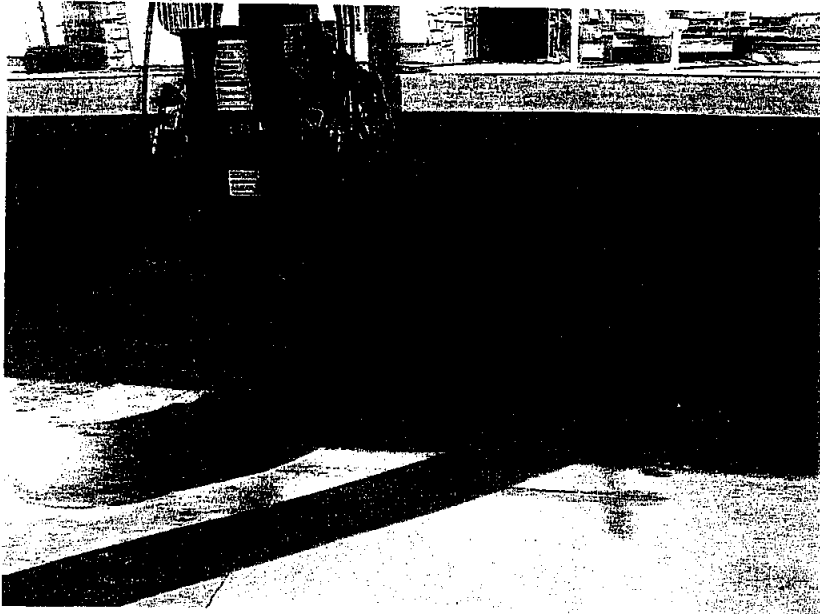
Budget Trade & Gas

October 24, 2000



- Middle fuel island
- Pumps # 4/5
- Absorbent material at base of diesel dispenser

October 24, 2000



- East fuel island
- Pumps # 1/2
- Absorbent material at base of diesel dispenser
- Fuel staining on concrete

Budget Trade & Gas

November 27, 2000 RWQCB staff with San Diego County DEH inspector



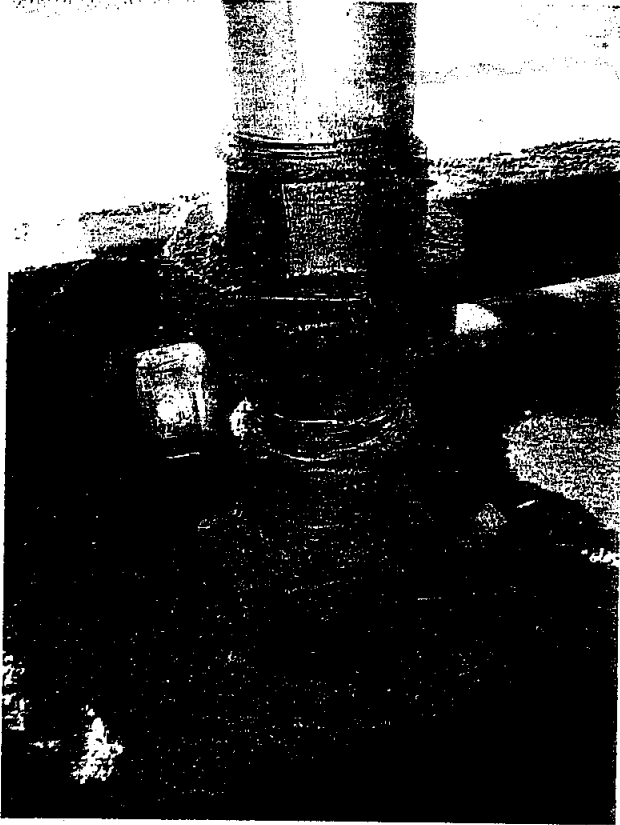
- West fuel island
- Diesel dispenser
- Absorbent material stained with diesel

November 27, 2000



- Middle fuel island
- Diesel dispenser
- Leaks noted
- Absorbent material stained with diesel

November 27, 2000



- East fuel island
- Diesel dispenser
- Absorbent material stained with diesel

November 27, 2000



- East fuel island
- Diesel dispenser
- Absorbent material stained with diesel